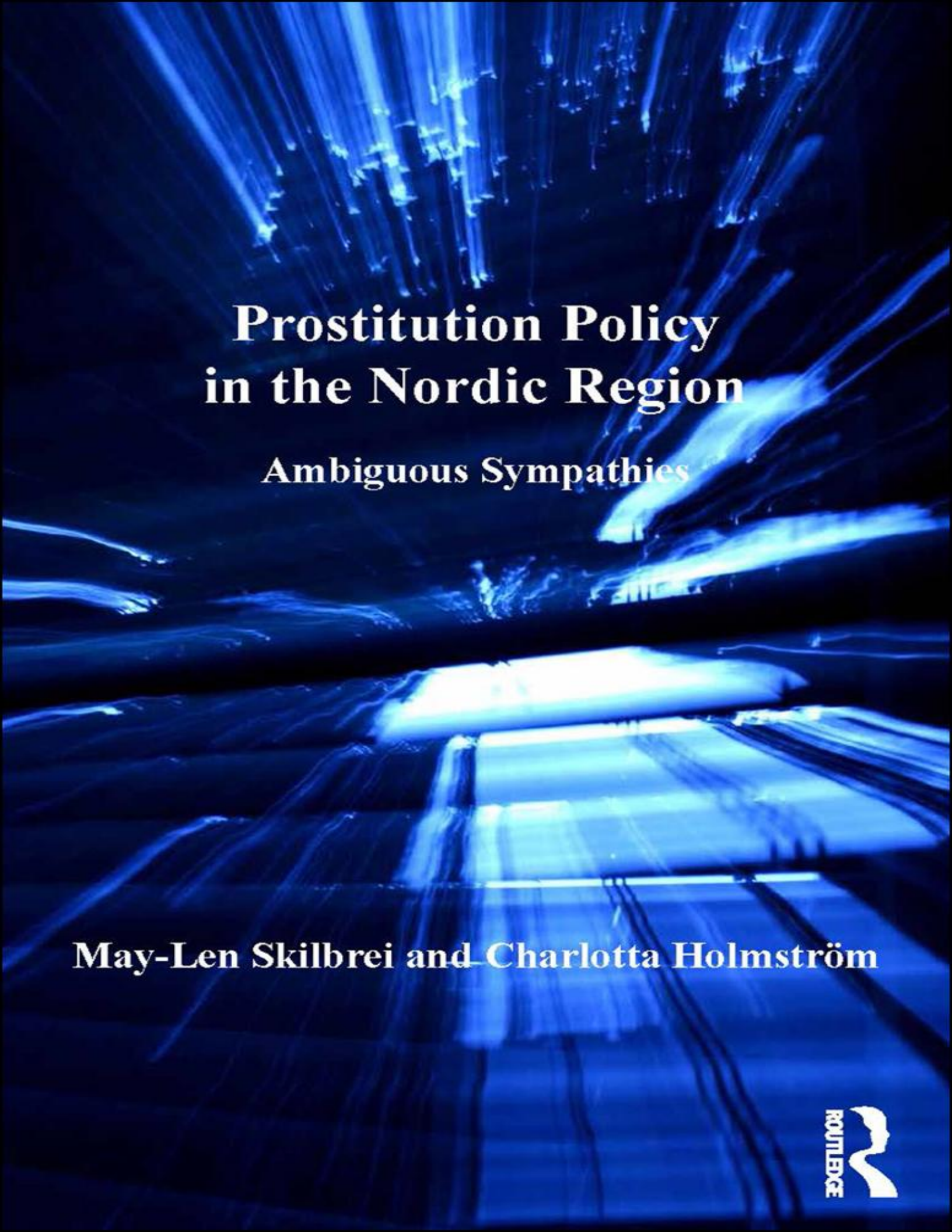
Prostitution Policy
in the Nordic Region
Ambiguous Sympathies
May-Len Skilbrei and Charlotta Holmström
ROUTLEDGE

PROSTITUTION POLICY IN THE NORDIC REGION

Prostitution Policy in the Nordic Region

Ambiguous Sympathies

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Chapter 1

Introduction

Over the last decade there has been great interest internationally in the development of prostitution policies in the Nordic countries after Sweden, Norway and Iceland introduced general bans against buying sex while it

continues to be legal to sell sex in all these countries.[1] In addition, there is a partial ban against buying sex in Finland and a full criminalisation of the purchase of sex is also being debated in Denmark. These legal reforms

have come at different times and have, because of this and for other reasons, been influenced by different

national and international discourses on prostitution, gender, sexuality, public space, social work, criminal

justice, human trafficking and immigration, as well as by welfare state policies. However, they are also related to each other. There are similarities in how the countries define and approach prostitution, the five Nordic

countries share general societal developments and there is a strong tradition of regional cooperation (Rosenbeck 1998),[2] particularly on the issue of prostitution (Skilbrei and Holmström 2011). In the Nordic countries the issue of

prostitution has been high on the public agenda for several decades, and in most debates it is taken for granted that the countries share the goal of wanting to abolish prostitution.

There are, of course, also significant differences between the countries, and throughout the book we will present and discuss similarities and differences concerning the approach to prostitution. The similarities are great

enough in important aspects to make developments in one country interesting for understanding developments in the others, as they share central features of welfare statism and a high degree of gender equality, as well as having intertwined national histories and commonalities in terms of culture and legal traditions (Nousiainen and

Niemi-Kiesiläinen 2001: 4). The analysis involves some degree of comparison between the Nordic countries, but we will not treat the countries as separate entities to be mapped and compared. Neither the

region nor the countries are closed circuits wherein policies are forged. Policies and approaches in the region

are not created in a vacuum but are rather a part of global policy processes. Not least since the concern over

trafficking has stepped up transnational activities that are directly and indirectly influencing the prostitution market and the question of what policies individual countries can apply. In this book the focus is on the

intra-regional developments, and even though we relate this to how the Nordic countries relate to developments

elsewhere, we first and foremost present the Nordic case.

The Nordic countries are often treated as representatives of a ‘Nordic model’ of prostitution policies, and are as such also often heralded for their progressive policies towards prostitution (see e.g., Raymond 2004).

Politicians, journalists, researchers and activists internationally relate their arguments about what

prostitution policy to apply to particularly the Swedish case, discussing whether the ‘Nordic model’ or ‘Swedish model’ constitutes a ‘best practice’ for dealing with prostitution or not. Both in politics (e.g., in

Vancouver Courier 8 March 2011 (Siuk 2011), on *CNN* 31 March 2011 (Ask 2011) and in the Scottish Parliament (2012)) and research, Nordic examples are used when debating prostitution policies in other countries, such as the UK (see e.g., Sanders, O’Neill and Pitcher 2009) and France (see e.g., Allwood 2006).

The policy development in the Nordic countries points to a different approach from that of several other European countries. Examples of this is how in the Netherlands (Outshoorn 2012), Germany (Pates 2012) and in Antwerp and

Brussels in Belgium (Weitzer 2012: 79) prostitution is approached with a form of regulation that includes

decriminalisation of third-party involvement in prostitution and the issuing of licenses for establishments that organise and promote prostitution. The choice to criminalise only the act of the buyer[3] in the Nordic countries also stands in contrast to the policies in countries which criminalise both buying and selling sexual

services, such as Romania, Croatia and Serbia. Internationally, this way of approaching prostitution is

widespread.

As the unilateral criminalisation of the purchase of sex in several of the Nordic countries has attracted a lot of attention, it is also something that many have an opinion about. It has great symbolic

value, whether this is deemed a success or a failure.

There are numerous examples of presentations of individual Nordic cases or aspects of them in academic articles and book chapters. The literature on Sweden is much larger than on the other Nordic countries, including analysis of the Swedish situation and comparison between

Sweden and other countries. In addition to empirical work on the Nordic situations, Nordic examples are used in research as representatives of a distinct approach to

prostitution. Despite the volume of research in the area we propose that there is a knowledge gap and a

subsequent need for more detailed and systematic descriptions, and a comprehensive analysis. We argue that the

research conducted in the field has to understand the Nordic cases within a larger context than is typically done in the literature. Both international and Nordic representations of the reasons for and effects of the

prostitution policies of the Nordic countries are often somewhat misguided or simplistic, representing them as a unitary approach or an undivided success or failure. Research on prostitution policies elsewhere points to the

fact that the relationship between arguments for an approach and the formulation and implementation of policies

is a complex issue (see e.g., Matthews 2008, Wagenaar and Altink 2012). Through our own empirical work on

prostitution in the Nordic countries since the mid-1990s we know there is a great divergence between the

formulations of laws on prostitution and the establishment of rights of the people involved on paper on the one

hand, and in praxis on the other. Just simply presenting Nordic prostitution policies as they appear on paper is thus not sufficient if the goal is to understand how prostitution is approached in the various countries and in

the region.

Building on Nordic and international scholarship on prostitution policy and our own research, our aim with this book is to give a comprehensive description of Nordic prostitution policies and a contextualisation and analysis of these. We will treat Nordic prostitution policies both as a product of history, of current national and Nordic debates, of international obligations and of changes in the international and national prostitution markets. As

we see a convergence between the Nordic countries in how they on paper choose to regulate prostitution, it is

important to look at how various policies are argued for and implemented. We trace today's approaches to

prostitution through four decades of developments in criminal law and social work, well aware of the dangers of

only looking at legislation when studying policy (Wagenaar and Altink 2012). We link these developments to the

knowledge production on prostitution in the region and look at how policy developments relate to what is believed to be true at any given time about prostitution. We argue that a broad understanding of the relevant context is

necessary (Bernstein and Schaffner 2005) and will thus place Nordic prostitution policies

within broader policy concerns related to gender, class, ethnicity, sexuality, youth, social welfare, immigration and organised crime, as well as to neoliberal forms of governance.

How a society chooses to approach the issue of prostitution not only tells us something about how it views the people directly involved; it also reveals how it regards broader issues. The changes in prostitution policies,

however, do not take place in a vacuum, but are closely connected to social change and societal processes such as migration flows and patterns.

This means that the way in which a society approaches prostitution can be seen as

mirroring political responses to broader social changes and societal processes. It is our intention to take this perspective into consideration as well. Thus, approaches to prostitution also have implications outside the realm of the sex industry. Prostitution can, for example, be used as a lever for stricter immigration control and

policies aimed at sanitising public space. The heightened attention directed at prostitution creates a sense of

urgency and legitimacy for calls for radical action which means that referring to it creates political

possibilities. Prostitution and its agents continue to serve a symbolic function, as representatives of that

which is immoral and corrupted. Terms such as ‘prostitution’, ‘whore’, ‘hooker’, ‘pimp’ and ‘John’ continue to

serve as metaphors for social relations also outside the realm of commercial sex, which evidence the continued

symbolic importance of the phenomenon of prostitution, in the Nordic countries and elsewhere. In addition,

prostitution has been serving a specific symbolic function in the Nordic context from the 1970s onwards, as

evidence of the not yet fully-realised welfare state (see e.g., Inghe and Inghe 1967, Bernstein 2007); as long as prostitution exists, the Nordic states are not yet fully equal.

In the Nordic countries, as elsewhere in Europe (Lehti and Aromaa 2006), prostitution policies are changing quickly and in a variety of ways, including their formulation or implementation (see e.g., Munro (2005) on the

UK, Crowhurst (2012) on Italy, Duarte (2012) on Portugal). The patterns of these changes give us insight into how policy processes work in controversial questions, but also how controversial questions are being used in broader policy processes. By detailing how prostitution is approached in this particular region of Europe, we also aim at facilitating the analysis of developments elsewhere.

We argue that the book brings the analysis of the Nordic policies further by studying their trajectories, contexts and consequences, and by making a Nordic comparison. By describing, contextualising and analysing the

developments, debates and research in the Nordic countries, the book also make these available to an

international audience. As already mentioned, the case of Sweden has attracted a lot of attention, and is used as an example in both a positive and negative sense. In the book, the Swedish case will be given particular

attention, but also placed in a larger Nordic context. Prostitution has grown to be a substantial area of

research in the last ten years and a wide array of articles, monographs and edited volumes are published every year. Several internationally published articles and book chapters propose interpretations of the developments in prostitution policies in the Nordic countries, and we have also ourselves published on the issue (see Holmström and Skilbrei 2008, Skilbrei and Holmström 2010, Skilbrei and Holmström 2011). What is lacking is a joint presentation of the Nordic policy developments and a comprehensive analysis of what might appear as a

'Nordic Model' of prostitution policy. At the moment, there are negotiations taking place in the Nordic countries as to how prostitution should be dealt with and how to combine today's emerging legal approach with a definition of prostitution as a social problem. This can be posed as a dilemma between a zero-tolerance approach and harm

reduction models manifested in the Nordic bans against buying sex. We suggest exploring the relationship between legal and social solutions as a

way forward for research. This is an area where the Nordic region offers unique

material and history, and where the value of Nordic comparisons is most visible. The Nordic countries could at

the outset appear to hold a common approach to prostitution, and we will particularly look into similarities and differences. Several scholars have critiqued attempts to delineate models or regimes of prostitution policies

(Agustín 2008, Matthews 2008, Scoular 2010, Wagenaar and Altink 2012). However, our aim is also to discuss the

benefits of identifying similarities and group policy approaches to better theorise their emergence and

consequences. We believe that to study a region like the Nordic gives a good starting point to discuss the

viability of identifying policy regimes. The recent convergence of the countries' legislation on prostitution

makes an interesting comparison, particularly in light of the relative homogeneity of the region in terms of

affluence, welfare models, and crime and penal patterns.

The main aim of this book is subsequently to give *a comprehensive description of Nordic prostitution policies* and *an analysis of these that can substantiate debates*. As we will show throughout the book, prostitution policies in the Nordic countries are multifaceted and dynamic, and cannot be represented as

following a straight path detached from empirical contexts. When looking closely at how prostitution is regulated in the Nordic countries, we find great differences, not only between, but also within each country. We also see

that policies that are the same or similar on paper, may vary extensively in terms of their trajectories,

contexts and consequences. As we will demonstrate in this book, there are some notable differences between and

within the Nordic countries in how prostitution is dealt with both concerning legal measures and social

initiatives. We will describe and discuss both differences and similarities in the current regulation of

prostitution and the social policies directed at prostitution, but also in relation to the intellectual history

of the subject in the Nordic countries.

In Chapter 2 we will lay the ground for later presentations and discussions by presenting literature on policy generally and prostitution policies specifically. We define concepts that will be central throughout the book, and describe the different models for State intervention in prostitution that have been developed by scholars. We will return to these models in the

discussions throughout the book. The relationship between social welfare policies and criminal justice policies

will be central to these, and in this chapter we present the more theoretical questions we will relate to in

terms of modern forms of governance.

After describing literature on policy and on the development of prostitution policies we will deal with the specificities of the Nordic countries and the Nordic region in Chapter 3. In this chapter we give an introduction to the Nordic context, in terms of characteristics of the

countries and the region generally. We focus particularly on Nordic welfare state policies and the role of gender equality ideals and targets, on how the relationship between the state and its citizens is contextualised and

on how the relationship between criminal justice and social approaches is negotiated. We argue that the focus on

gender equality and the development of a state feminism can be interpreted as an important part of the

development of the Nordic Welfare State, with its high level of engagement in social problems. Within this

context prostitution has been understood as an explicit consequence of social and gender inequality and as

something that could be prevented, mainly through social measures and social interventions. We describe how the

question of prostitution has been placed within a broad societal context and how the question of the way in which a country should regulate such a central issue became an important one. In this chapter we also place the

development of Nordic prostitution policies in a wider context, arguing that debates on which prostitution

policies to apply are related to issues of globalisation, migration and Europeanisation processes. In this

chapter we also describe the role of the political participation of people involved in prostitution in the Nordic region, in light of the importance of civil society engagement and of state–citizen relations in the region.

Prostitution policies, either they are forms of social work agendas or criminal justice, build on what one believes to be true about the phenomenon and society in general. In Chapter 4 we describe how knowledge production on prostitution from the late 1970s and onwards has played a central role in the Nordic public debate on prostitution and on the development of

prostitution policies in the Nordic countries. We understand knowledge as taking part in legitimising the

approaches of social work and criminal law respectively, and we see knowledge as something that is simultaneously created by how social work and criminal law approaches frame prostitution and its agents. In this chapter we

describe and explore how academic research and other forms of knowledge production have been authorised and how

these have taken part in the discourse formation that revisions in social welfare policies and criminal justice

policies are also a part of. We understand definitions, classifications and differentiations as acts of power by institutions that in their time are considered to be authoritative. In this chapter we

describe the different forms of knowledge production in the Nordic context and explore the relationship between

these, and how these by way of what they include and exclude, open up and outline possible and preferred

policies. Developments in the prostitution market have also always played a key role in producing arguments for

policy reform and in this chapter we therefore present what is thought to be known about the prostitution markets in the region. This serves as a basis for later chapters' descriptions and assessments of policies; what is it

that these policies are designed to change?

Even though Nordic criminal justice policies on prostitution are given much attention, it is important to note that prostitution is not only governed by the Penal Code. In the last four decades targeted social work agencies, both GOs and NGOs, have established themselves in this field, and prostitution is currently met by an extensive

web of social services. In Chapter 5 we describe how targeted social services came to be defined as the preferred way to regulate prostitution in the region. In this we explore and

try to understand what kind of assumptions about prostitution and its agents these services are based on, asking how prostitution came to be seen as a social problem warranting targeted services. Arguments in favour of

targeted services differ somewhat between the countries and have also changed over time: Today we are seeing an

increasing diversification of ways in which prostitution is managed. In this chapter we investigate how the issue is approached by describing what services are being offered. We understand that who is targeted for special forms of social work and how this social work is designed tells us something about wider concerns and processes. This

means that what is, at any given time and place, governed as prostitution is not a given, but rather needs to be seen as produced within a specific context. In this chapter we argue that it is necessary to look at how social

work takes part in constructing/monitoring the field of prostitution – and that it interacts with how

prostitution is regulated through criminal justice policies. Within this context we trace the current approaches to the regulation of prostitution during the nineteenth century, and describe how the regulatory approach was

framed within a medical discourse, from a functionalistic perspective. We thus understand current approaches from a historical perspective; measures have changed, but the control of women is still there, now not only by the

police, but also by a broad range of actors who take part in surveying and overseeing their self-governance. In

order to understand the current Nordic approaches to prostitution we contextualise these targeted services

politically and ideologically. Specific attention is given to the case of Sweden, but we also elaborate on the

development of the social political approaches to prostitution within the other Nordic countries.

In the Nordic countries, several new acts targeting prostitution have been introduced, and we have also seen a situation where already existing legislation on prostitution has been given higher priority. Taken together, this constitutes a stronger focus on prostitution as a criminal justice problem in the region than was the case few years back. In Chapter 6 we explore the reasons for and consequences of this shift, and take into consideration how this again changes social work agendas and the

premises for knowledge production. From giving a prominent role to social work, the Nordic countries are now

moving in the direction of a juridification of the prostitution issue based primarily on criminal law. Within

this context we discuss how legal revision impacts on how social welfare policies are being formed, implemented

and received and argue that the consequence is that the relationship between the state and the person selling sex changes when the contact activity moves from social work to policing. When ‘the problem with prostitution’ is

increasingly defined as one of criminal justice, the focus of social work is also transformed. Thus an important question in this chapter is how changes in social welfare policies influence their relations to criminal justice policies, and vice versa. We describe how prostitution is currently regulated by laws and by-laws in the Nordic

region and how the current legal regime came about. We also discuss the implications of the legal situation, in

terms of what kind of problem prostitution is defined to be, and how these laws may influence the prostitution

market. As there is great interest in the Swedish case in the international literature, we give our

interpretation of the trajectory and consequences of the Swedish law revision particular attention.

After having presented research on prostitution in the Nordic countries, what social policies exist and how they are applied and in what ways the Nordic countries approach prostitution by legislation, we turn, in Chapter 7, to the question of what characterises the way the Nordic countries approach prostitution. Is a regional approach valuable or is the diversity between and within each country too

great? In answering this, we bring into view how various approaches to prostitution rest on an understanding of

the relationship between individuals and the state. This manifests itself in the relation between explanations

for and solutions to how a society defines prostitution on an individual, cultural and structural level. We argue that the diversity between, but not least, within, the Nordic countries is greater than most debaters seem to

appreciate, and conclude that there is no such thing as a Nordic prostitution policy regime or a Nordic model of prostitution policy. This does not mean that we reject the idea of an emerging Nordic approach to prostitution,

but we argue that the 'Nordicness' rests on the way prostitution carries cultural meanings and symbolic

implications.

Before turning to the specific agenda for this book, which is to understand Nordic prostitution policies in context, it is necessary to present the research field of prostitution policy analysis and to explicitly discuss how one can actually approach the study of policies.

1 The Nordic countries are Denmark, Finland, Iceland, Norway and Sweden. The three self-governing regions of Greenland, the Faroe Islands and Åland are also included in the region (Rosenbeck 1998). The term ‘Scandinavian’ refer only to Denmark, Norway and Sweden. For a discussion on the use of these two terms, see Árnason & Wittock 2012.

2 Nordic civil society cooperation was formalised in the establishment of the Nordic Associations in 1919, the Nordic Council in 1952 and the Nordic Council of Ministers in 1971 (Rosenbeck 1998).

3 In this book we use several terms for the client in prostitution alternately. Which terms are applied and which terms are considered appropriate differs from country to country and over time. This is both linked to the precision of the term and to how it resonates with how prostitution is understood. Generally, the question of what terms to apply when writing from a Nordic context is difficult. In a Nordic context, naming prostitution work, calling people involved in prostitution sex workers and using a market language to describe the relations within prostitution (“selling”, “buying”, “seller”, “buyer”, “prostitution market” etc.) are often seen as problematic as it entails a specific interpretation of what prostitution *is* (a problematic mentioned by Ekberg 2004, Westmarland og Gangoli 2006, Niemi 2010, Yttergren 2012).

Chapter 2

What is Prostitution Policy?

In the last few years there has been a great expansion of the research literature on prostitution policies.

Policies within Europe are changing at a rapid rate and a multitude of approaches are applied, and research is

concerned with exploring why certain policies come about and what their consequences are. The idea in research on

prostitution policies is often that it is worthwhile to compare and evaluate prostitution policies as a part of a

quest to identify a ‘best practice’ in how states should approach prostitution. Not only are policies changing,

we are also seeing an increase in state intervention into prostitution markets, Helen Ward and Sophie Day (2004a)

argue. Prostitution has moved to the top of the political agenda in many European countries, and this has

influenced priorities. In the last several decades, debates over how to legislate prostitution have been an

important part of the public debate on prostitution, both in the Nordic countries and elsewhere in Europe.

One commonality of research on prostitution policies is how it discusses whether this or that policy fits with a

set of models or approaches. Often the model for intervention is described as either one of criminalisation, one

of legalisation or one of decriminalisation (see e.g., Bernstein 2007, Munro 2008, Phoenix 2009, Weitzer 2012).

The first label points to an approach where prostitution is regulated through the use of the Penal Code. Jo

Phoenix (2009: 7) argues that by applying such a model, the state first and foremost defines prostitution as a

criminal justice problem it wishes to “repress and prohibit”. She indicates that this model can be seen as

holding both a full-fledged criminalisation, but also criminalisation of particular forms of prostitution or

prostitution taking place at particular venues. The second label, legalisation, includes ways of regulating

prostitution by treating the relation as contractual and, as is the case in several countries and cities,

introducing licensing systems (Phoenix 2009: 8, Weitzer 2012). Some form of decriminalisation is a prerequisite

for such an approach, as e.g. licensing of brothels mandates decriminalisation of procurement and of selling and

buying sex, Weitzer argues (2012). Phoenix (2009), on the other hand, argues that legalisation and

decriminalisation stand in opposition to each other as decriminalisation is an approach whereby prostitution is

only regulated through health and safety legislation, while legalisation include civic regulations regarding the

legal status of the contract between the seller and the purchaser of sex, and the conditions

in which it is permissible to sell sex (Phoenix 2009: 17).[1] In any case, both Weitzer and Phoenix argue that decriminalisation, the removal of legislation targeting prostitution, can be full or partial. Weitzer in addition

argues that de facto decriminalisation needs to be understood as part of such an approach where laws that

prohibit prostitution are never or no longer enforced. This again can be partial, as some forms or venues for

prostitution become de facto decriminalised, such as indoor prostitution or men's prostitution (Skilbrei 2012b).

What forms of prostitution the Penal Code is applied to and what is left alone is often linked to visibility

(Weitzer 2012), vested interests in processes of gentrification (Hubbard, Matthews and Scoular 2008) and ideals

about purity of public space (Tani 2002).

The Complexity of Delineating Prostitution Policy Models

What is, then, the value of delineating policy models, types, regimes or regulatory frameworks? The concept of

'regime' is often meant to relate to 'different patterns and configurations of market, state and the family, and

refers to systematic relations between elements of a system. The main reason for using this concept is to

emphasize a number of key elements in order to theorize variations' (Siim and Borchorst 2010: 134–135). Joyce

Outshoorn (2004: 6) defines 'prostitution regimes' as: 'sets of laws and practices governing prostitution that

shape prostitution in their respective jurisdictions in distinctive ways.' As several have argued, there is a

danger of the delineation of 'models' or 'regimes' of prostitution policies hiding more than it reveals (West

2000, Della Giusta 2008, Agustín 2008, Wagenaar and Altink 2012). Jackie West (2000) states that a nation-state's

measures targeting prostitution are seldom homogenous and may be influenced by more than one regulatory framework

(ibid: 106). For example she shows how Australian prostitution policies include elements of legalisation,

decriminalisation and prohibition. An additional and already mentioned problem with the presentation of

prostitution policies as fitting into one or another category is how this approach presupposes that the

appropriate starting point for understanding what is going on is at state level. Such a state-centred approach

misses the importance of how prostitution may be managed differently at different scales and locations (Bernstein

and Schaffner 2005, Scoular 2010: 13).

Also in other academic fields, one delineates models, regimes and frameworks, as a starting point for comparisons

and debate. Think for example of how Gösta Esping-Andersons' division of models of welfare

capitalism into 'liberal', 'conservative-corporatist' and 'social democratic' (1990) has given rise to a whole

literature on welfare, including several monographs and edited volumes discussing whether his categorisations are

correct or not.

Prostitution Policy Regimes and the Re/production of Norms

When scholars speak about prostitution policy regimes or regulatory frameworks, they often point solely to

legislation directed at prostitution, and we find that to be a problem. Often legal reforms in this area are

assumed to have a great effect in themselves (Munro and Della Giusta 2008), and this evidence a certain amount of

legal optimism. Another reason why legislation in this area gets the amount of attention it does is probably also

that prostitution, and how society chooses to approach it, is deemed to be of great symbolic importance. Graham

Scambler (1997: 109) observes: 'Laws at once reflect, legitimate and reproduce social norms; and women sex

workers can be said to infringe a number of deepseated social norms associated with honour/dishonour.' In the

Nordic context, however, characterised by a strong welfarist approach, social work agendas or ideologies and also

knowledge production reflect, legitimate and reproduce norms regarding this topic as well. Laws do not alone make

up prostitution policy. According to Laura Agustín a consequence of the heightened importance of prostitution

policy development is that those in charge of implementing these policies in the field of criminal justice and

social work get to monitor people's lives (2004: 77): 'Those who set out to administer the lives of others do so

according to what they believe to be good, healthy, normal, and so on, so that *knowledge* is central.'

Thus, the way in which prostitution is regulated in specific jurisdictions, and perhaps also within particular

regions, has to be related to ideology, and therefore also connected to ideas concerning what the end-goal is; is

it the abolition of prostitution altogether or is the goal to facilitate prostitution to take place only in

certain ways, involving certain people or in certain places?

As many have noted, the scholarship on prostitution is marked by how researchers write in a normative way,

creating controversies that end in lack of communication between different strands of research. These types of

academic controversies are closely related to the conflicting legal positions with their corresponding

ideologies, which is described above. Ronald Weitzer (2012) describes the unfruitful opposition between the

"empowerment paradigm" and the "oppression paradigm" of research; one emphasising positive aspects of

prostitution and the assertion of agency on the part of the sex workers, the other emphasising only the negative

aspects of prostitution and builds on an understanding of prostitution as always oppressing, not only for the

people involved, but also for gender relations and sexuality in society. Weitzer argues in

favour of research finding a third way, one which he terms “the polymorphous paradigm” (2012: 16).

Even though these positions inform what policies to apply, the relationship between goals, ideologies and

policies is not a given. The aim of abolishing prostitution does not automatically lead to a choice of

criminalisation, even though many argue for the criminalisation of clients on grounds of an abolitionist goal.

Working through social and health services to prevent entry into prostitution or to promote the exit of people

involved in prostitution, can also serve as a means to combat prostitution. This is evident at particular

conjunctures in the history of the regulation of prostitution in the Nordic countries. When trying to understand

the link between ideology, political goals and policies, it is e.g. necessary to think about how the relationship

between supply and demand in the prostitution market is conceptualised and how one perceives the relationship

between a criminal justice approach and a social welfare approach.

It is also necessary to recognise how particular drivers for policy reform operate on a local, national, regional

and international level. Weitzer identifies a punitive trend in the US, a trend also emphasised by Elizabeth

Bernstein (Bernstein 2010) as central to understanding policy development in the field of sex trafficking.

Weitzer further identifies the conflation of trafficking and prostitution as relevant to debates on what

prostitution policies to apply, as the oppressive paradigm gains power in contexts where prostitution policy

reform is expected to also work towards combating trafficking (Weitzer 2012, see also Spanger 2011). Linking

trafficking and prostitution in policy debates can probably be both an expression of a view of these two

phenomena as intrinsically linked and a strategic move to win support. A third driver in policy reform processes

identified by Weitzer is how the view that it is necessary to focus on "the demand side" of prostitution, i.e.

the clients, is expanding. This builds on and adds to the oppression paradigm whereby prostitution unilaterally

is defined as an expression of power of men over women. The choice between focusing on the supply side, e.g.

people selling sex, or the demand side can again be linked to ideologies: when the end-goal is to abolish

prostitution, states can choose to work towards that goal by either forcing clients and/or sellers to exit

prostitution through the use of a criminal justice approach or by enticing one or both parties to exit

prostitution through the application of health and social services. The regulation of prostitution has to be

understood as something more than simply a case of sexual commerce being either legal or illegal. Jane Scoular

and Teela Sanders (2010: 3) argue that the forms and analysis of commercial sex have become more complex, which

means that its associated modes of regulation are also characterised by complexity. Law does not regulate

prostitution alone, but is rather one of several forms of regulatory mechanisms that take part in authorising the

others (Scoular 2010: 30).

Different Attempts to Classify Nordic Prostitution Regimes

Still, we see the discussion of similarities in approaches in terms of ‘regimes’ and ‘models’ to be a valid

starting point for an exploration of ‘a Nordic approach to prostitution’ and by this we mean that we, as a

starting point, look for policy frameworks at different scales and compare them across the Nordic region.

Importantly, we will not limit ourselves only to describe, discuss and classify prostitution laws, but also to

describe and discuss how social work and knowledge production regulate the phenomenon of prostitution and its

agents. When considering the Nordic context, the challenge is to identify similarities, without at the same time

losing difference in relevant areas. Particularly since attempts have already been made to make the Nordic

countries into a prostitution policy model.

When looking at the Swedish example, Kulick (2003: 200) argues that the Swedish legal reform of 1999 represents a

decisive move from one legislative model to another: ‘In passing a law that criminalised clients, Sweden made a

decisive move from an *abolitionist* legislative model (i.e. a legal system that holds that prostitution in itself is not an offence, but the exploitation of the prostitution of others is; thus any third party

recruiting, profiting from, or organising prostitutes is penalised) towards a *prohibitionist* model that criminalises the actual transaction of selling sex.’

One-sided criminalisation of the purchase of sex has posed a challenge to previous classifications of

prostitution policies, since criminalising the clients while keeping it legal to sell sex does not fit any of

these categories. Since the abolitionist approach is characterised by the goal of banishing prostitution all

together, such an approach seem to imply criminalising both the selling and buying of sex. The economists Niklas

Jakobsson and Andreas Kotsadam (2010) use the term neo-abolitionism to accommodate the Nordic approach to

prostitution. The criminalisation of the purchase of sex was supposed to come with social welfare policies such

as support and counselling to exit prostitution and support and counselling for those who buy sex. This

combination of social welfare policy and criminal justice policy is seemingly very different from the case of the

UK, which much of the English language literature is based on.

Matthews (2008) places Sweden in the ‘prohibitionism’ camp, while in the definition of this policy option both

the criminalisation of both parties in prostitution and the one-sided criminalisation in Sweden are included. We

find that this makes the category of ‘prohibitionism’ too broad and differentiated to be interesting, and chose

instead to differentiate between ‘prohibitionism’ and ‘abolitionism’, like Outshoorn does (2004). Phoenix (2009:

15) stresses that on the one hand many countries may share the same basic framework of legislation. On the other

the actual aim of policies can be fundamentally dissimilar. She argues that, in practice, the

objectives of policy are usually multiple and often contradictory (ibid.).

While the terms representing the various regimes point to how prostitution is regulated by law, Matthews does (in

the definition of the various policy options) also include a description of how this approach is manifested in

social measures, which is important for the argument in this book. Lenore Kuo also discusses the role of

interventions and measures defining social work, health provisions etc. for extra-legal support (Kuo 2002: 119).

Contextualising Nordic Prostitution Regimes

In this chapter we depart from the research literature above in an exploration of how one can appropriately study the making and implementation of various policies in the field of prostitution, and how the prostitution markets

and the agents involved in them are regulated through different means at different scales of governance. The

reason why we present these ideas about various models and characteristics of prostitution policy processes is

that this serves as a starting point for a presentation and analysis of Nordic prostitution policies. As will be

described in more detail in later chapters, a central development in the Nordic countries is a shift in how

policies increasingly have been aimed at the buyer of sex; the demand side. Unilateral criminalisation of the

purchase of sex has been installed in some form or another in four of the five Nordic countries, and this

constitutes, among other things, an attempt to redefine prostitution as the responsibility of the clients, not

the sellers. Later we will discuss whether such a shift has actually taken place. This convergence makes it

pertinent to explore both how this came about, and also how such legislation fits with a larger context of

policies related to prostitution and other “problems”.

It is not only the prostitution-specific context of the debate described above and the trajectory of policies of

the past that is relevant when approaching the study of the development and implementation of prostitution

policies..

Munro and Della Giusta argue (2008: 5) that national contexts are formed by a wide range of factors such as

historical state/civil society relations, distributive patterns of gendered power, attitudes towards sexuality

and consumption, and diversity in the forms, scales and operations of commercial sex transactions. Taken

together, these aspects contribute towards the creation of a unique national context within which regulatory

responses to prostitution will produce divergent, and often unpredictable, practical outcomes.

To get a fuller understanding of its complexity and context, the development of prostitution policy needs to be

placed within a wider framework and must be seen in light of how adjacent policy-fields are regulated. Jackie

West (2000: 112) argues that the legalisation of prostitution that the Netherlands is so known for, came at the same time as fears over immigration gained momentum. While the legalisation of brothel-keeping involved in the Dutch policy signaled a liberal and pragmatic approach, it came at the price of

stricter immigration control under the auspices of trafficking policies.

Additionally, revisions in the legislation on prostitution need to be placed within the greater policy field of

“sex”, thus understanding revisions in prostitution laws as related to changes or continuities in how rape,

homosexuality, incest, pornography, sexual harassment, sodomy, trafficking etc. are regulated (Frank, Camp and

Boutcher 2010). What the appropriate context for analysis is differs from case to case, but we would argue that

there are some discernible patterns making a Nordic comparison particularly interesting and manageable.

Above we emphasise the centrality of the context for debate on prostitution policies, and later we will show the

reality of this in the Nordic countries. This is also the case for research. For researchers it is also necessary

to have a definition of terms such as “policy” and “regulation” so as to be clear about the object of study. Much

analysis of prostitution policies fails to define what is meant by these terms, and often the focus on

prostitution policies is in fact limited to legal approaches (Wagenaar and Altink 2012). We aim at presenting and

critically discussing concepts used to understand the development of prostitution policies, and what is perceived

of as prostitution policies. We then go on to give a definition of what we consider to be prostitution policies

including both criminal law and social work, and we further discuss how we appropriately can understand the

relationship between public debate, policy development and implementation.

What ‘a policy’ is, in the field of prostitution or in other fields, is a difficult question (Shore and Wright

1997). A range of scholars have tried to formulate a useful definition. One way of trying to delineate policies

from other activities or organising principles is to acknowledge that they are (Shore and Wright 2011: 2): ‘major

instruments through which governments, companies, nongovernmental organisations (NGOs), public agencies and

international bodies classify and regulate the spaces and subjects they seek to govern.’ Studying ‘policy’ by

identifying the ‘problem identification’, ‘formulation of solutions’, ‘implementation’, ‘evaluation’ and

‘revision’ is described by Shore and Wright (2011: 4–5) as a dominant account of policy, and they argue that the

implementation of such a ‘policy cycle’ hides the unintentionality and messiness of it. Shore and Wright (ibid.)

suggest applying an interpretive approach as a solution to the traps of understanding policy as a chain of stages

or processes. Often it is not possible to say where a policy ‘comes from’ or that it was designed out of

someone’s intent, and in line with an interpretive approach such questions also become less interesting. In this

way, policy is not made into an instrumentalist ‘problem solving device’, but instead policy becomes (Shore and

Wright 2011: 11): ‘a social and political space articulated through relations of power and

systems of governance.’ In line with this understanding of in what way policy studies are interesting, we propose

to study ‘the flow of events’ (Shore and Wright 2011: 12) related to how the issue of prostitution and the agents

involved is managed in the Nordic countries.

To do this we make use of Gritt Nielsen’s (2011) structure designed to discern stages or relations without making

assumptions about a one-to-one relationship between them. Nielsen (ibid.) understands policy as the relationship

between ‘political rationalities’, governmental technologies and subjectivities. Political rationalities are

referring to political programmes and justifications for particular ways of exercising power. Governmental

technologies refer to everyday practices and methods introduced to govern particular people in particular ways.

When talking about subjectivities Nielsen refers to perceptions, experiences and conduct. In the Nordic context

of prostitution this reasoning can be understood as pointing to how 1) Prostitution is understood as a societal

problem that should be combated in one way or another, 2) The question of prostitution is targeted through

criminal justice policy and social welfare policy, and 3) Within this context law and social work is appropriated

by individuals, often in a way that was not predicted. This includes the messiness Shore and Wright (2011) point

to, as it means that what was meant by the law changes. Such an approach requires sensitivity to how the policies

are also ‘peopled’, meaning how policies are appropriated by individuals with their own agendas and specificities

(Nielsen 2011:69). One way to take into consideration the complexity in the relationship between a law and its

use would be to exchange the term ‘implementation’ with the term ‘appropriation’, which departs from an analysis

that entail an idea of a ‘policy circle’ (Sutton and Levinson 2001 in Nielsen 2011: 72).

Some scholars would apply the concept ‘governance’ where others would talk about ‘policies’ and their importance.

In relation to how we purport to apply the concept of policy, our use of the concept of governance is also

important. By governance we mean ‘the production of authoritative decisions which are not produced by a single

hierarchical structure, such as a democratically elected legislative assembly and government, but instead arise

from the interaction of a plethora of public and private, collective and individual actors’ (Christiansen,

Føllesdal and Piattoni 2003: 6). As with the definition of policy above, this definition of governance opens up

an inclusion of messiness and ambivalence. Our analytical focus is on shifts and continuities, and taking these

definitions as a starting point serves as a reminder not to read a country’s approach from what it says about

prostitution in the law books.

Strands of Governance

It is the passing of particular laws on prostitution that makes the Nordic countries interesting, as the

unilateral criminalisation of the purchase of sex sets the region apart from others. The question of what

characterises the moments of the passing of these laws will therefore not only be of particular interest in our

attempt to discern ‘a Nordic approach’ to prostitution, but also how this relates to other strands of governance:

how prostitution is not only governed by law, but also by social work agendas and knowledge. The relationship

between these strands of governance is of particular importance here, as what is authoritative and taken for

granted in one strand influences and is translated to the others. As a matter of fact, when implementing the

prohibition of the purchase of sexual services in Sweden, the explicit ambition was to “package” social work

interventions, criminal justice/legal measures and knowledge production activities in order to form a common

direction and approach. There might of course be ruptures between what the problem with prostitution is defined

to be in terms of law and social work, but we should not take for granted that these agendas are necessarily at

odds with each other, as if treating a phenomenon as the target of criminal justice necessarily excludes treating

it as a target for social intervention. But social welfare agencies may appropriate the shift in the definition

in the law differently than criminal justice agencies, and this has both to do with adjacent priorities and

available resources. In the case of Sweden, as we will show in greater detail below, it has been pointed out how

a criminal justice agenda has come to stand for the Swedish approach to prostitution (Bernstein 2007, Florin

2012). What is interesting in this is not only how this may be a result of how prostitution was defined in

contemporary Sweden and how institutional aspects framed what was possible, but also why social work agencies

failed to appropriate the redefinition of prostitution and instead accepted taking a back-seat role to policing.

When a policy can be said to exist is, however, also a complicated question. How the definitions of problems, the

making of solutions and the appropriation of them happen is not best analysed as being global or local, since

these levels cannot be kept apart, but rather should be seen as scales that interact (Shore and Wright 1997: 13).

To not fall into the trap of limiting the analysis is easier said than done, particularly as scholars have to

select an empirical field and cannot be expected to include all scales and contexts. In this book, our empirical

basis is the Nordic countries based on extensive knowledge about the particularities of the local. By this we

hope not to contribute to unfruitful divisions between the global and local, but rather to use the analysis of

policy as a way of: “studying the localization of global processes in the contemporary world” (Shore and Wright

1997: 13).

Here we are influenced by, among others, Carol Bacchi (1999) and Nicolas Rose (1999). We will

describe and analyse how knowledge production, social work and criminal law work together as three strands of

governance of prostitution, arguing that these three strands taken together constitute a regulatory framework.

Regulating people’s behaviour does not necessarily have to be done through legal measures. Quite the opposite, we

are arguing that there are several different intentional activities that include attempts to control, order and

influence the behaviour of others within a welfare system. Law is only one (Parker, Scott, Lacey and Braithwaite

2004).

Turning to the ‘how’ of governing (McKee 2009: 466), we include a focus on both the discursive field where ‘the

problem of prostitution’ is defined and the interventionist practices of formulating policies and designing

techniques of governing along the lines of social welfare and criminal justice. We will later argue that the

relationship between these strands has some unique features in the Nordic countries. Throughout the book, we

consistently return to how political positions and arguments, not only on the development of prostitution

markets, but also on proposed policies, invariably shape and reconceptualise what the problem with prostitution

is presented to be, following the terminology of Bacchi (1999). We also show how these constructions of the

problem with prostitution have been and still are closely intertwined with academic work and knowledge production

within the Nordic context. Academic work, social work practices and legal reforms taken together construct and

frame the question of prostitution as a societal concern and a social problem. Hence, a necessary part of policy

analysis includes identification and assessment of problem representations – focusing on ways in which “problems”

get represented in policy proposals and on what these problems are presented to be. Our perspective on

prostitution policy is thus influenced by Bacchi, stating that we need to shift our analysis from policies as

attempted “solutions” to “problems”, to policies as constituting competing interpretations or representations of

political issues (ibid: 2). Hence, our interest lies in interpretations or representations of political issues,

applying a social constructionist perspective on prostitution. We are focusing on what prostitution is

represented to be; what presuppositions are taken for granted in the representation of prostitution being offered

and on what effects are connected to this representation of the “problem of prostitution”. A focus on

representations implies a focus on discourse, but a focus on effects also means that discourse not only refers to

ideas or concepts or categories, but also to practices with material consequences (ibid.). From a social

constructionist perspective, people are formed by what categories they are placed in and how they are

regulated/managed as such. This means that regulation is not only a form of power that act upon people's lives,

but also a form of power to change them.

Criminal Justice and Social Welfare Policies in the Nordic Context

What can be described as a loss of the belief that social science can and should explain crime and give solutions to the state, has caused an emergent problematisation of neo-liberal forms of control. David Garland (1996)

argues that these developments have led governments to move away from the combination of criminal justice

policies and social welfare policies, the 'penalwelfare strategy'. One example could be how UK researchers

describe recent developments in the regulation of prostitution there (e.g., Phoenix and Oerton 2005, Scoular and

O'Neill 2007). While a full-on criminalisation of buying and selling of sex has not happened, prohibitions

against particular forms of prostitution and of contact have emerged that are designed to promote selfregulation.

By abiding to various by-laws, the subject is given the opportunity to repent and change, and if not, penal

policies apply. In the Nordic countries, at least in the area of prostitution policies, what Garland described as

a retraction of penal-welfare policy, the praxis of combining criminal justice and social welfare policies and

the idea of them as complementary, seems to be alive and kicking. In the formulation of new ways of governing

prostitution in the Nordic countries lies a reification of the idea that law and social work are, in fact,

complementary (Garland (1985) also mentions the Nordic countries especially as exceptions). This is for example

made very clear in the preparatory works of both the Swedish and Norwegian law revisions where the role of social

work and law as complementary is clearly stated (Florin 2012, Skilbrei 2012b). In the Norwegian Bill, extra funds

are explicitly set aside to complement the Law, based on the assumption that the Law will create some problems

that can be ‘repaired’ by social work.[2]

It is possible to argue that the Nordic countries are not, in the same way as the Western countries often chosen

to exemplify developments of neoliberal governmentality (e.g., UK and USA), marked by these developments. The

existence of a comprehensive welfare state, as described in Chapter

3, might make these developments less prominent and even less credible. Thus scholars on the Nordic countries

can join the post-colonial critique of how developments in countries such as the UK and the US is universalised

(described in McKee 2009), but from a very different vantage point. The UK and the US might have a stronger and

longer traditions for punitivism in other areas, e.g. like McAlinden (2012) describes is the case in how the UK

(early on) turned to a punitive approach to sexual offending, while the Scandinavian

countries upheld a therapeutic approach.

It seems like social welfare and criminal justice policies have the potential to work together. On the other hand

professional culture, tradition and specific legislation connected to certain professions may stand in the way of

a genuine and engaged involvement and interaction between different professional arenas. Hence, social policy and

criminal justice policy work with and against each other. Social work is both aimed at maintaining social order

and to naturalise and normalise social inequalities, but also to help and give support to individuals. Social

welfare policies in the Nordic context can be described as having “doing good” as a major objective, offering

welfare and decreasing differences. Social policy also holds definitions of “good conduct”, and lack of

compliance with these can lead to loss of benefits. One can, in other words, see how criminal justice policy can

be closely related to social welfare policy.

The relationship between criminal justice policies and social policies is, however, different in Denmark,

Finland, Iceland, Norway and Sweden. Even though the argumentation for a one-sided criminalisation may, to some

degree, appear to be the same in the Nordic countries – ideological concerns about women who sell sex, based on a

normative stance against gender inequality and the commercialisation of sexuality – the empirical contexts in

these countries differ distinctly from the Swedish context, at the time of the implementation of the Law. We will

later argue that the development of the prostitution markets in the different Nordic countries has played an

important role in the development and implementation of different prostitution policies in these countries.

Different strategies to deal with prostitution have been accessible, but this does not mean that the ideological

concerns that these strategies/models are based on have been important in the implementation process.

Throughout the book we will relate to criminological literature on the change in the relationship between social

welfare policies and criminal justice policies and on neo-liberal forms of governance described in prostitution

policy literature, not taking for granted that literature pertaining to different contexts is of analytical value

in the Nordic case. An important question to pose concerns the proper context for prostitution policies, mainly

in order to understand how prostitution policies emerge and what consequences they have. For example, it is

interesting to look at the relationship between local politics and variations in levels of welfare provisions.

Another important question is whether local concerns over prostitution are in line or in contrast with the

national problem definition. Frank, Camp and Boutcher argue that studying individual country cases reveals

important relations to other national contexts (2010: 869): ‘Penal codes originate in global institutions, and so

may impulses for reform.’ Legal reforms are, in other words, carried out within a global context. This is not

only referring to legal reforms designed to regulate prostitution: Other laws influence how

the regulation of prostitution develops, such as those on welfare, health and immigration (Bernstein and Shaffner

2005, Holm 2007, Della Giusta 2008, Skilbrei 2012b, Florin 2012). Thinking broadly about prostitution policies is

also in line with a point made by Iris Marion Young (2000) about the importance of understanding policies as

decentred. In a Nordic setting, the strength of civil society needs to be taken into consideration, in order to

understand the relationship between the state’s and the civil society’s ability to influence societal development

(Bernstein and Shaffner 2005: xv).

An important task at hand when studying prostitution policies is not only what effects they are expected to have,

but also what kinds of effects they appear to have. The relationship between the regulation of prostitution and

the development of the prostitution market has been a particularly vibrant part of prostitution policy research

in the last few years, with scholarly debates over whether or not prostitution policies matter and over what

methodologies to apply to actually be able to come to a conclusion. Several have argued that people involved in

prostitution suffer similar effects no matter what the law states (Alexander 1996, Day 2007, Agustín 2008).

Others go far in arguing that the relationship between society's attempt to curb or influence the development of

the prostitution market is quite straightforward. Roger Matthews (2008: 115) reviewed various models of

prostitution policies, and contends that even though levels of inequality and ideologies on sexuality influence

the size of a domestic prostitution market, policies also matter. He goes on to state (2008: 115): 'In effect,

whether prostitution is subject to regulationism, decriminalisation, legalisation or prohibition, this will

influence the level of "demand" and "supply" significantly.' Matthews thus holds the very opposite position from

Laura Agustín's in arguing for a definite and direct effect of law. Matthews is only one of the many who assume a

straight-forward relationship between law and effect, and Jane Scoular points to how prostitution policy analysis

often underestimates or misplaces the meaning of law. The symbolic value of law is anything but irrelevant, she

argues (2010) and goes on to argue that to understand the “effect” of legislation on prostitution we need to

approach law in a way that allows for its complex relation to the non-legal.

Much has been said about the effects of the legislation applied in the Nordic countries, particularly based on

the Swedish case, and an important aim of the book is to add to this literature by critically examining that

literature with empirical evidence at hand. In developing policies, but also in studying them, another

complicating factor concerns the relationship between academic work, policy making and implementation processes.

According to Phoenix (2009: 3) there is very little consensus between academics, policy makers and those in

charge of implementing policies, about what prostitution “is” or how to best approach it. Contemporary research,

however, starts with the assumption that prostitution is not separate or distinct from other social, ideological,

political and economic structures within society (ibid.). But there the consensus ends,

Phoenix argues, pointing to an (ibid.:3): ‘increasing division between academic work on prostitution, which

recognises the complexity of sex workers’ lives, and political campaigning work, which by definition seeks to

hide that complexity in order to intervene' (ibid.). In policy reform processes, Phoenix finds that only

particular realities of prostitution are being highlighted and she suggests that specific ideological landscapes

with several categorical and metonymic associations are being constructed in this process. Phoenix also argues

that this process generates several constitutive binary distinctions, which implies that the diversity of

experiences of selling sex is being flattened. It also blurs important boundaries and creates conditions for

policy reforms that are not capable of dealing with the complexity and distinctiveness of prostitution (Phoenix

2009: 6). Phoenix is, in other words, highly critical of how the relationship between academics and policy makers

has developed. An illustrative example of this is the assumption that more and more women in the sex trade in the

UK are there through trafficking, even though there is little empirical evidence to prove it (Phoenix 2009: 8).

In later chapters, we will look into the nature of the relationship between research, policy makers and

practitioners in a Nordic context.

It is thus central not to take the question of what is 'true' about prostitution for granted, and to approach the

research question through applying a broad range of materials, such as a review of research literature,

qualitative interviews and field work, and an analysis of white papers, media debates and political debates. In

2007–2008 we together headed the research project *Prostitution in the Nordic countries*. Researchers from all the five Nordic countries were involved in the project and together 11 researchers answered questions about

how prostitution and human trafficking are approached in the region. Preceding the project, Skilbrei had carried

out two research projects on Nordic prostitution policies; one comparing Norwegian and Danish ways of approaching

massage parlour prostitution and one on the development of prostitution policy reform in Denmark, Norway and

Sweden. Skilbrei also initiated and headed a research network on prostitution in the Nordic countries in the

years 2002–2005. In the period 2010–2013 Holmström and Skilbrei participate in the project *The Diverse*

Conditions in Prostitution, co-managed by professor Sven-Axel Månsson, which focus on experiences of

prostitution and how social services and police respond to the great diversity they are faced with in their work

in prostitution, and how the legal and social approach interact and have an impact on the experiences of

prostitution. Currently, Skilbrei and Holmström also participate in the project *Health Services and Needs in Prostutution* which aims at analysing ideologies and practices in the social and health-related work directed

at people who sell sex in Norway, also under conditions that can be regarded as trafficking,

and the needs as defined by women who sell sex themselves.[3]

Through these and other projects we have interviewed social workers in all major cities in the Nordic countries

and we have also visited most of the targeted social services in the region during the course of the last 15

years. We have further interviewed police and other governmental representatives in Norway and Sweden, and we

have interviewed researchers and activists in Denmark, Norway and Sweden. We have taken part in various Nordic

arenas for discussion, and presented our work for researchers, students, media, parliamentarians, activists and

others in all the five countries. We have in addition through several studies done research on the “recipients”

of social work and policing: people who sell sex. Even though this book does not directly deal with how it feels

like to be on the other side of the table from social workers and police, our own research on the lives of people

who sell sex under diverse conditions has helped us to reflect on the purpose, logic and effects of interventions

in the prostitution market.

There is a danger of us not being able to take the full Nordic experience into consideration. We have a lot more

information about prostitution markets and prostitution policies in Denmark, Norway and Sweden, than in Iceland

and Finland. There are three reasons for this: Firstly, we have ourselves done empirical research in Denmark,

Norway and Sweden, and thus know those cases in greater detail. Secondly, there is more research on prostitution

in those three countries than in Finland and Iceland. Thirdly, we read Danish, Norwegian and Swedish and are thus

not dependent on English language literature on these cases as we are with the cases of Finland and Iceland. Due

to the last two reasons, there is less research performed by others to draw on in the case of Finland and

Iceland. This warrants that we have to be careful in presenting ours as a full comparison. Additionally, we do

not want to fall into the trap of describing policies and make classifications of them instead of actually

analyzing what these policies are about (Nelken 2010). Even though we go to great lengths meticulously mapping

Nordic knowledge-production, social policies and criminal justice policies, what we see as our main contribution

is our interpretation and contextualization of these.

We will later go into the details of prostitution policies in the Nordic countries, but the next chapter is

dedicated to presenting the context from which our later presentations and analysis depart; the Nordic region.

1 Claiming benefits such as social security and employment protection has, however, proved to be very difficult in practice for people who sell sex in countries with legalisation (Phoenix 2009)

2 With the new legislation it was acknowledged that the situation for persons in prostitution could become more difficult (Innst. O. nr. 3 (2008–2009) and that the prostitution market could become less accessible for outreach services. It was decided at a political level that the legislation should be followed by extended social measures for persons in prostitution, preferably focusing on exit strategies from prostitution.

3 For more on the project, see http://www.fafo.no/prostitution/.

Chapter 3
The Nordic Context

In Chapter 2, we argued for the importance of context when exploring how specific policies come into being, how they are appropriated and how they impact on the lives of people involved in prostitution. In this chapter we give an introduction to the Nordic context, in terms of characteristics of the countries and the region generally. When giving context to descriptions and analysis there are many choices to be made as to what is appropriate and sufficient. In this chapter we will describe some traits of the region and its development which we believe are relevant to how prostitution is currently approached. This is the case with welfare state developments, gender equality policies, social work agendas and the balancing of welfare and punishment, secularisation, immigration and immigration policies, and the role and strength of civil society.

Choices made between criminal justice and social welfare policies and on the framing of the relationship between them cannot be seen as unrelated to levels of inclusion, state–citizen relations and penal ideologies (McAlinden 2012), and that makes the political economies and cultures relevant to this book. At the end of the chapter, we will also describe briefly some overarching traits of how prostitution is defined and approached in the Nordic region, something which will be elaborated in subsequent chapters.

The history of the relationships between the countries is a long and complex one, with shifting borders and belongings. Norway has been a part of Denmark and in a union with Sweden; Iceland, Greenland and the Faroe Islands have also been a part of Denmark, and Greenland and the Faroe islands are, partly, still a part of Denmark. Finland became independent from Sweden only in 1917. The Scandinavian countries Denmark, Norway and Sweden shared a monetary union until 1924, and the Nordic countries have been without borders between them since 1965.[1] The Nordic countries are, in many ways, a distinct region of Europe, with strong ties and similarities between them as well as a wide range of cooperation platforms.[2]

A strong tradition for cooperation, but also for comparisons, between the Nordic countries is described as a central part of the development of the Nordic model more generally (Christiansen and Åmark 2006: 352). Jóhann Páll Árnason and Björn Wittock state (2012: 1): 'The countries are characterized by a high and, in a European context, arguably unique, degree of commonality in terms of traditions, cultural habits, institutional structures, languages and closeness of cooperation.' As we will see later, issues of gender, law and social welfare have been high on the joint Nordic agenda which makes it interesting to look into intra-Nordic relations and developments in how prostitution is approached. In the field of prostitution the intra-Nordic links and commonalities become arguments in themselves and it is often argued that the region needs a joint approach to prostitution. Prostitution markets have had a degree of intra-Nordic mobility, both in terms of the mobility of sellers and buyers, for a long time, and it is often assumed that policy changes in one country shift the market to neighbouring countries. There has also, for several decades, been a strong intra-Nordic exchange on what prostitution policies to apply.

Since the Second World War, the Nordic countries have undergone rapid modernisation. Within three decades they turned from agricultural to industrial, and then gradually to post-industrial, economies (Thernborn 1995: 75). During this period Denmark, Finland, Norway and Sweden developed a specific model of welfare, often referred to as the Nordic model,[3] wherein the state took a dominant role in the formation of welfare policies and where an extensive public sector was put in charge of the implementation of such policies. Esping-Andersen (1990) characterises the Nordic countries as social democratic welfare regimes.

Nordic Welfare Regimes

The idea behind this specific welfare state model was to promote:

> an equality of the highest standard; a broad scope of social policies, universal social benefit services free or subsidised at the point of delivery, a high proportion of gross national product spent on health and social services and emphasis on full employment, equal income distribution and gender equality. (Magnusson 2009: 4) The expected outcomes of the Nordic model were low income inequality, low poverty rates and small differences in levels of living and gender equality (Kautto et. al. 2001: 6). Thus equality, solidarity and universalism are values which explicitly underpin the Nordic model's commitment to the principle of inclusionary and equal

citizenship (Lister 2009), and the method to implement these values is a comprehensive, institutionalised welfare system (Sümer 2009) and a tripartite system whereby the trade unions, employers' organisations and government cooperate and show great willingness to compromise in developments of working conditions, wages and labour market relations. According to Esping-Andersen's description of a social democratic welfare regime: 'the universalistic system promotes equality of status. All citizens are endowed with similar rights, irrespective of class or market position' (Esping-Andersen 1990: 25). In line with this, the Nordic countries early on legalised same-sex relationships and introduced various partnership arrangements, thus equalising citizens' rights irrespectively of sexuality (Nousiainen and Niemi-Kiesiläinen 2001).

In recent years there have been reports of a decline in the level of and support for Nordic welfare schemes (Kvist, Fritzell, Hvinden and Kangas 2012), and there is evidence of increasing inequalities in the region that might speak of a deterioration of the ambitions and capabilities of the welfare state (Kuivalainen and Nelson 2012), and at the same time an increasing similarity with the situation in other European countries in the last 10–15 years (Fritzell, Bäckman and Ritakallio 2012: 182). The fact that thresholds of inclusion in Nordic societies might be higher than elsewhere and that anti-immigration sentiments exist in the Nordic countries is something which needs to be taken into consideration when evaluating whether there indeed exists an equalityminded Nordic welfare state, Peter Scharff Smith (2012) argues. While it is possible to argue that the idea of Nordic exceptionalism is stronger than the evidence, it is still the case that the Nordic countries are marked by welfare, equality and trust (Pratt and Eriksson 2012). Nordic countries as a group are still perceived to be different from other Western European countries in terms of policy and welfare (Kautto and Kvist 2002: 198). However, this does not imply that the Nordic countries are similar in all respects; there are also significant differences in the degree and form of adaptation and policy responses between them. Kautto and Kvist (ibid.) argue that similarities appear most striking in the levels and distribution of welfare, rather than in policies.

The strong ideal of social equality also manifests itself in a norm of gender equality in the region (Sümer 2009). A comprehensive and institutionalised welfare system was the basis of the emergence of what has been termed state feminism or the woman-friendly state (Hernes 1987, Sümer 2009). Throughout the post-war era, the Nordic countries developed a state feminism, actively negotiating the relationship between the private and the public spheres, wherein the state was increasingly focusing on the interests of women. Denmark, Norway and Sweden, early on, introduced family reforms that established a universal-breadwinner and universal-

caregiver model (Fraser 1997 in Ravn and Rosenbeck 2010, Sümer 2009). Helga Hernes (1987) argues that 'the Nordic democracies embody a state form that makes it possible to transform them into women-friendly societies' (ibid: 15). According to Hernes, the Nordic welfare state model can thus be understood as a system characterised by possibilities, not a system of oppression (ibid., see also Predelli, Halsaa and Thun 2012). The same seem to be true of the relationship between the lesbian and gay rights' movement and the state: the relationship between movement and state is stronger and gives better results than elsewhere (see Roseneil et al. 2012). Rune Slagstad points to the strong relationship between the women's movement and the state and how it creates legal optimism:

> The increase in women's power has since the 1970s been a function of increased central governmental power. And in its Norwegian context the ideology underlying the reform has characteristically been that of scientific reformism. With its proximity to social research, the Norwegian women's movement has been more pro-state than in other countries, accordingly regarding law as a suitable instrument for reforming the system. (2012: 169) According to Kautto and Kvist (2002), the Nordic welfare state model and its focus on gender equality has produced results (see also Melby, Ravn and Wetterberg 2008) and the countries see a high degree of participation in labour and politics among women. There are indeed good reasons for women to be positive towards the role of the state. It employs a great many of them, and serves as a guarantor of rights in a Nordic setting. Gender equality is higher in the Nordic countries compared to other European countries; women have had access to the vote, education and paid labour for a long time, and Nordic women are more self-reliant than women in other European countries (Kautto and Kvist 2002: 198). Still it is important to note that even though income gaps are small in the Nordic countries and economic redistribution is an explicit goal, a systematic difference between men's and women's salaries still prevails (Nousiainen and Niemi-Kiesiläinen 2001).

The Nordic countries are also affluent and highly developed, which improves the chances for women to realise their potential. The UN's Human Development Index for 2011 ranks Norway as number 1, Sweden as 10, Iceland as 14, Denmark as 16 and Finland as 22, similar ranks as preceding years.[4] The Gender Equality Index for the same year ranks Sweden as number 1, Denmark as 3, Finland as 5, Norway as 6 and Iceland as 9.[5] Iceland has undergone a financial crisis in the wake of the Icelandic bank crisis and subsequent bankruptcies that affected unemployment rates and inequalities (as described in UN Human Development Report of 2011). In the years since, the Icelandic economy has greatly improved.

Equality is often described as a fundamental Nordic value that is manifested in how the welfare state models are formulated and implemented (see e.g., Kautto and Kvist 2002; Sümer 2009). And the

Nordic countries go to great lengths to ensure equality between their citizens, through applying both ‘soft’ and ‘hard’ policies. Focusing on gender equality and the development of a state feminism can thus be interpreted as an important part of the development of the Nordic welfare state, with its high level of engagement in social problems. The Nordic welfare state reaches into areas of its citizens’ lives often deemed private in the past, such as gender relations and parent-child relations (Hernes 1987). Gender is not only a central parameter in the establishment of social justice, but ideals of gender equality are also of a central symbolic importance in how “Nordicness” is imagined and enacted (Keskinen 2009).

Why gender equality policies have had such good conditions in the Nordic countries may not only be linked to the institutional setting of the welfare state and the political social democratic setting, but also to cultural aspects, such as the region’s Lutheran, but secular, tradition. Protestantism, generally, has been more liberal in terms of divorce, abortion and individual freedom, something which has been central to women’s liberation (Rosenbeck 1998, Ravn and Rosenbeck 2010). In addition, protestant and secularised countries have recognised and dealt with the existence of highly problematic aspects of gender relations, such as sexual abuse, earlier than Catholic countries (McAlinden 2012).

This is the general backdrop to how the Nordic countries meet their citizens. These developments not only affect the general welfare provisions, but also how the countries deal with marginal groups or with phenomena considered to be social problems. The countries recognise a broad range of topics as social problems and as public responsibilities, such as discrimination, harassment and abuse. As we will detail later, prostitution came to be defined as a social problem that state and municipalities had to deal with. What is important here is the fact that even though general welfare provisions provide people with high levels of welfare and security in the Nordic countries, including people who sell sex (Kontula 2008), it was argued that prostitution is a type of social problem that need targeted social measures. This redefinition did not take place in a vacuum, but is also a part of a broadening of welfare agendas and a period of “discovery” of new social problems. The targeted social measures that were developed to meet the needs of people involved in prostitution have, over time, developed into a range of differentiated services targeting sub-groups within prostitution, based on e.g. arenas, age, gender and citizenship, but

the services also vary according to the definition of what kind of social problem prostitution is. Today we have a situation where services are many and diverse, and we will describe and discuss the establishment, priorities and trajectories of these in Chapter 5. The fact that prostitution came to be defined as a social problem in need of special measures, can be seen as an interesting example of how in the Nordic countries the perceived need to identify areas of inequality is part of the various national gender equality agendas (Agustín 2008, Harrington 2012). Within this context prostitution was understood as an explicit consequence of social and gender inequality and as something that could be prevented, mainly through social welfare policies, in line with the logic established with the social democratic welfare regime and the subsequent state optimism. During the late twentieth century, the question of prostitution was thus redefined as a social problem, in contrast to previous individualised understandings whereby only individuals "in trouble" were offered assistance, not people selling sex as a group. Also before that, people who sold sex had received assistance, but this assistance was not institutionalised and group-based – a definition of what prostitution is was not given before this point. Though the redefinition of prostitution as a social problem is not exclusive to the Nordic countries (see Scott 2011), it has had very concrete consequences in priorities in them.

Welfare State and Control

Such a high degree of intervention by the state, seen in this and most other areas of society, may seem paternalistic to others, Nousiainen and Niemi-Kiesiläinen (2001) note, but the history of the welfare states and their gender profile make Nordic women likely to view the state as a partner. It is important to keep this in mind when we, throughout the book describe the, at times quite exceptional, levels of intervention in peoples' lives, not only in a practical sense, but also in the sense that the ambition in some instances has first and foremost been to change the identities and sensibilities of people, not only their practices. Social work is not only about assistance but about existential change, and the redefinition of prostitution that social work took part in creating and promoting in the Nordic countries has not

only been about changing people involved in prostitution, but also about changing society.

Helen Ward and Sophie Day explain the Swedish political climate to international readers in this way (2004a: 12): Such a policy would be seen as a major infringement of civil liberties in most countries, but Sweden has a strong history of state intrusion into what are frequently considered private or domestic spheres. The extensive state provision of services and welfare is linked to a notion of citizenship that define rights, responsibilities and civilised behaviour; citizens do not smack their children or purchase sex.

This is of course a simplification, but it is indeed a point that the relationship between the generous welfare state and control is a complex one.

A high degree of intervention into citizens' lives and high ambitions in the goals set, also create high expectations. Elizabeth Bernstein says of the significance of the Swedish case:

> Sweden has often been upheld by feminists and other social researchers as both the exemplar of the interventionist welfare state and as "the nation in which equality has proceeded further than in any other Western country". Since the 1970s, many commentators have assumed that brute manifestations of sexual, gender, and class inequality such as prostitution would wither away under a Swedish-style policy regime. (2007:145) Related to this, the overarching societal development towards the reformulation of social phenomena into social problems was how gender equality became formulated as an ideal, and not only one ideal out of many, but in the Nordic countries thought to be of paramount importance. Prostitution became defined as being at the centre of concerns over lack of gender equality. In Sweden, in particular, prostitution was formulated as an issue of utmost importance. Gunilla Ekberg, advisor to the Swedish authorities on prostitution and trafficking, has said this about how central the topic of prostitution is: 'In Sweden, it is understood that any society that claims to defend principles of legal, political, economic, and social equality for women and girls must reject the idea that women and children, mostly girls are commodities that can be bought, sold, and sexually exploited by men' (Ekberg 2004: 1188–1189). Here we see that prostitution is placed within a broad societal context, not as a world apart, and the question of how to regulate such a central issue understandably become an important one. Ekberg speaks from a scenario where criminal justice policies were not only complementing social policies, but also replacing them. When prostitution is given such a prominent symbolic position, as the ultimate example of the subjection of women, criminalization of the purchase of the services of women who sell sex become a self-evident alternative. As mentioned in Chapter 1, the purchase of sex has been criminalised in several of the Nordic countries, and the severity of this approach in this particular setting needs some explaining.

Third-party involvement in prostitution has continued to be criminalised, and the laws have been amended to reflect changes in how the

prostitution market operates. Turning to introducing further criminal justice policies must be considered a big step in this context. The Nordic states are less punitive than most other Western countries, and they are often described as aiming to keep criminal law at a minimum. Positive measures are considered more appropriate than punitive ones in the region (Nousiainen and Niemi-Kiesiläinen 2001). The incarceration rates in the countries are low: in Sweden 78 per 100,000, in Norway and Denmark 71, Finland 60 and Iceland 55 (Dullum and Ugelvik 2012: 3). To compare, the rate in UK and Wales is 154 per 100,000 (ibid.). Even though the levels are still low, we see a development where debates on crime policies are more politicised and are taking more space in the media than before (Lappi-Seppälä and Tonry 2011). Still, while the general trend in criminal justice policies in Western countries is often described as a "tough on crime" approach (see e.g., Newburn 2007), the Nordic countries, in their levels of criminalization, their sentencing levels and in their incarceration rates, are rather "lenient on crime". Henrik Tham (2001) points to how issues of gender and sex are exceptions to a low degree of punitivism in Sweden, with the introduction or extension of several acts in the Penal Code. This links to the centrality of the gender equality agenda in the Nordic countries and the positive approach taken by the women's movement towards legal strategies.

There are many important commonalities in the legal systems of the Nordic countries, not least since legislation over time has been harmonised for historical reasons and because of extensive cooperation (Nousiainen and Niemi-Kiesläinen 2001: 17). For example, linked to the fact that the various countries, at different times, have been in unions, or to the fact that the borders between them have changed several times. That law revisions in one country foster debates on whether or not to revise the law in the others, is therefore not a surprise. Not least since, in the case of prostitution, the criminalisation of the purchase of sex to a certain degree was formulated as a consequence of the realisation of the severity of the act of purchasing sex and of the unequal gender relations at its core. With extensive exchange between the Nordic countries on how to understand and approach prostitution, the position taken in one country impact greatly on the framing and legitimacy of arguments in the others.

Nordic Prostitution Policies in Global Context

Debates on which prostitution policies to apply have in recent decades also related to issues of globalisation, migration and Europeanisation processes. The prostitution markets in the Nordic countries, as elsewhere in Europe, are increasingly described as part of a global market. The mobility of sex-sellers and sex-buyers is high, and so is the mobility of ideas on prostitution and prostitution policies. Levels and forms of migration to the Nordic countries are influenced by the countries' membership in the Schengen agreement which opened up internal borders within Europe at the same time as external borders were fortified. We have seen concerns over border-crossing prostitution in all the Nordic countries, but the concerns pertain to particular nationalities and particular parts of the prostitution market. These have been both over how this leads to an increase in supply in the prostitution market, over how this prostitution is performed and impacts negatively on Nordic societies, and over an increase in organised crime in the form of human trafficking. This last concern builds both on a wish to protect women in prostitution from exploitation from traffickers, and a wish to secure Nordic societies from the establishment of transnational organised crime organisations. The relationship between these various concerns is not a static one, it is highly dynamic. In later chapters we will return to the question of how this plays out in policy debates.

As immigration concerns have been made relevant in policy debates, it is important to look more closely at how homogenous the Nordic countries are and what their recent history in terms of immigration is. Since 1990 the total population in the Nordic countries has increased by more than 2 million people (10%). The population has increased most in Iceland (25%) and Norway (15%). In January 2010, the total population of the Nordic countries was 25.5 million people (Nord 2010:001). The region has one of the lowest population densities in the world, partly due to the fact that large parts of the Nordic countries are marginal areas, where nature puts limitations on settlement (Nord 2011: 22). Denmark has by far the highest population density.

In 2010 17.5 per cent of the Nordic population was in the age group 0–14 years and 16.6 per cent of the population in the age group 65 +. Life expectancy is 78 years for men and 83 years for women (ibid.). The increase in the size of the Nordic population during recent years is partly

due to “natural” increase (live births minus deaths) and partly due to positive net migration (immigration minus emigration). In 2009 migration had the greatest impact on the population increase in Sweden. That was also the case in Finland, Norway, Åland and Denmark (ibid.). In 2009 more than 100,000 people immigrated to Sweden; 67,000 people to Denmark, 65,000 came to Norway and 27,000 people to Finland (ibid.). 20 per cent of the immigration to the Nordic countries is intra-Nordic, 23 per cent is immigration from Asia and 22 per cent is from other EEA-countries (ibid.).

There are several different forms of migration to the Nordic countries; labour, refugee and family-related migration. A consequence of belonging to one or the other strand of migration is large differences in the labour market situations (Wadensjö 2007). In Sweden there has been an on-going debate regarding the national immigration policy. Some people claim that Sweden has become more restrictive, while others are of the opinion that immigration is extensive and that Sweden has one of the most generous immigration policies in Europe (Hagstedt et al. 2009: 168). In Denmark there has been a clear trend between 2003 and 2008, where in which ‘a marked increase in the number of labour immigrants, students and citizens from other EU/EEA countries who have been granted permits of stay in Denmark, and a clear fall in the number of people granted family reunion, asylum or humanitarian stay’ (Kvam 2010).

European immigration policies can be seen as restrictive; having more-or-less emphasised closed borders. Nell Rasmussen argues that this type of restrictive policy may have contributed to opening the market for illegal immigration and trafficked prostitution (Rasmussen 2005 quoted in Hagstedt et al. 2009: 168). Stricter border control make migrants more dependent on migration brokers in different forms, which in itself can make them more vulnerable: they accumulate great debts and put their lives in the hands of a stranger in the migration process (Skilbrei and Tveit 2008). Research on marriage migration to the Nordic countries shows that restrictive immigration policies may lead people to develop strategies to migrate that put them in extremely vulnerable situations such as establishing relationships with abusive men, accepting transactional sex offers, having unprotected sex, ending up in debt, having the spouse as pimp etc. (see for example Holmström 2012).

Public Discourses on Sex in the Nordic Context

Nordic norms and practices concerning sexuality are also part of the context wherein prostitution policies are debated. While the Nordic countries for a long time had a reputation for permissive sexual mores and promiscuous women (Paasonen 2009, Alessio and Jóhannsdóttir 2011), this permissiveness does not apply to commercialised sexuality such as prostitution, striptease and pornography.[6] While same-sex relations were decriminalised and sex education in schools introduced early, this sexual liberalism does not transfer to commercial sex. Being liberal in terms of equality for sexual minorities and in terms of openness about sexuality regarding children is not a sign of the countries being 'liberal' in all senses of the term. It is more fruitful to understand this as the inclusions of new groups into the norm of "good, healthy sex" and a way of securing state control over the circumstances in which sex takes place. It is thus an investment in the citizens' wellbeing and their ability to stay away from less "good" and not state-sanctioned sex, such as prostitution (Kulick 2005, Paasonen 2009). Paasonen (2009: 599) points to how public discourses on sex are currently becoming more diversified.

A general trait of the Nordic societies is the strength of the cooperation between state and non-state actors. A broad range of feminist organisations have been involved in debates and in lobbying and should, at least in Norway and Sweden, be given a lot of the credit for the current legislation on prostitution. The debates and developments in the Nordic countries have not, to a considerable degree, been influenced by the political participation of people involved in prostitution themselves. There are Nordic 'sex workers' rights' organisations, but their integration in policy debates varies and cannot be taken for granted. In Denmark SIO[7] has existed since 2008, the Norwegian organisation PION[89] has existed since 1990 and in Sweden the ROSEA/Rose Alliance[10] was established in 2003. The Finnish organisation SALLI, founded in 2002, ended its activities in 2010. Spokespersons and heads of these organisations participate in public debate and are invited into some, but not all, forums where prostitution policy is debated. How active these organisations are also varies over time and across the region. In 2004, the various sex workers' rights organisations in the Nordic countries and their sympathisers participated in a joint two-day conference hosted in Oslo, the first day of the conference open only to

persons who sell sex, with day two open to all. The event was organised in the localities of the Norwegian parliament and received financial support from the Fritt Ord Foundation.[11] There are also other forums where activists from throughout the region meet, for example in the annual Nordic prostitution conference hosted by the social service institutions in the Nordic countries.

Why participation of sex workers' rights organisations has not been sought other than for serving as commentators in public reviews etc., may seem strange at the outset, since the involvement of people affected is the rule in most other policy areas in the region. But, as we will describe later, the strength of the push towards a redefinition of prostitution was, among other things, created by how debates were able to set aside other understandings, and thus create a situation where prostitution, at least for a short period, was self-evidently best regulated with criminal justice policies. In this, sex worker activism was standing in the way of a re-definition of prostitution as they emphasise agency, diversity and rights. Additionally, it is important to note that policy processes will always have dark corners, and relevant groups and individuals with vested interests in the outcome may not always be included (Christiansen, Føllesdal and Piattoni 2003).

In the next chapter we turn to the issue of knowledge production on prostitution in the Nordic countries. We have reviewed research literature and other forms of knowledge production stemming from the many forms of social initiatives and knowledge-centres in the field. We question what is assumed to be true about prostitution at different times and places, and we particularly look for patterns in this as well as indicators of how this knowledge was applied in policy making processes and guidelines for their implementation. We will point to both similarities and differences, between the countries and over time, and we ask what consequences arise from a particular form of knowledge being authorised at particular times and thus integrated into policy processes.

1 For more on the relationship between the countries, see http://www.norden.org/en/.

2 Thomas Lundén (2004) provides an analysis of the many ways in which the countries are linked to each other.

3 This model is termed Nordic even though the Nordic country Iceland is not among the countries listed as part of it. Iceland has, for many years, departed from the other Nordic countries in levels of welfare and priorities (Ólafsson 2005, Fritzell, Bäckman and Ritakallio 2012:182).

4 http://hdr.undp.org/en/media/HDR_2011_EN_Complete.pdf, page 131. Accessed September 8 2012.

5 http://hdr.undp.org/en/media/HDR_2011_EN_Complete.pdf, page 139. Accessed September 8 2012.

6 In recent years, pornography laws have, though, loosened up and pornography have become more accessible and mainstream (Paasonen 2009).

7 Information about SIO in English: http://www.s-i-o.dk/?page_id=272.

8 Acronym for ≪Prostituertes interesseorganisasjon i Norge≫.

9 Website: http://www.pion-norge.no/.

10 Website: http://www.rosealliance.se/.

11 The Fritt Ord Foundation is a private non-profit organisation which promotes freedom of expression in Norway. Its events and prize nominations have great legitimacy and visibility in the Norwegian public. For more on Fritt Ord, see http://www.fritt-ord.no/en/om_fritt_ord/category/stiftelsens_formal/.

Chapter 4

What is ‘Known’ about Prostitution in the Nordic Countries?

This chapter deals with what has counted as true about prostitution at various times in the Nordic countries. We

understand ‘prostitution’ to be a category constructed for regulatory purposes, out of a need to make

differentiations between acts and between people (Walkowitz 1982, see also Rose 1999). We therefore presuppose

that what counts as prostitution at any given time does not necessarily reflect what the formal definition states

and that it changes over time. We also do not see research as straightforward representations of how prostitution

is experienced for the people involved, we are, rather, interested in how experiences of prostitution are

represented at different times and how that links to what kind of problem prostitution is defined to be. That

said, we do not assume that there is no purpose for knowledge production, and that all knowledge is equally good

as representations of lived lives. But in this context, what is interesting is how research and other forms of

knowledge production is authorised and how it takes part in the discourse formation that revisions in social

welfare policies and criminal justice policies are also a part of. With Foucault ([1977]1998) we understand

power/knowledge as processes of normalisation and look for how phenomena and people are classified and organised

in terms of difference. To define, classify and differentiate are acts of power by institutions that in their

time are considered to be authoritative. Institutions here refer to e.g. academic institutions and GO and NGO

agencies and in this chapter we will explore the relationship between different forms of knowledge production.

Even though we do present a quite extensive overview of research and other forms of knowledge production on the

Nordic cases, we will not describe all that has been said about prostitution in the region. We will, rather,

emphasise the focus and findings of research in terms of what kind of problem prostitution is considered to be,

and how the relationship between characteristics of the markets and agents, on the one hand, and policies, on the

other, is conceptualised. We will present a review of research and GO and NGO literature on prostitution in the

Nordic countries and discuss how these in turn take part in producing prostitution as a social problem, and how

researchers, by what they include and exclude, open up and outline possible and preferred

policies to apply. What is researched is a sign of the times, in the sense that it reflects priorities among

politicians, bureaucrats, NGO workers and researchers, and we thus take knowledge production as an indicator of

how prostitution is approached at different times.

While we, throughout the chapter, comment on how knowledge production relates to contemporary policy concerns, we

end with a discussion of what implications the history of knowledge production on prostitution has had for the

development of social welfare policies and criminal justice policies on prostitution. In line with the thoughts

of Michel Foucault ([1977]1998), we argue that knowledge and power are mutually constitutive; the different

agents which produce knowledge on prostitution, in research, GO and NGO reporting, media debate and political

discourse, are assigned differing levels of authority in defining ‘the problem of prostitution’. Knowledge takes

part in legitimising the approaches of social work and criminal justice respectively, and knowledge is

simultaneously produced by how social work and criminal law approaches frame prostitution and its agents.

Christina Boswell (2009: 3) contends that policy making now relies more on research than earlier. Policies are

expected to be based on ‘evidence’ of what works, and their consequences are expected to be evaluated and

subsequently adjusted. As will be detailed below, particularly in Denmark, Norway and Sweden, various forms of

knowledge production are given a lot of weight in debate, and policy processes and numerous reports are produced

that relate to contemporary concerns, particularly over youth prostitution or trafficking. This does not mean

that policies are made and implemented in line with research-based knowledge. Again with Boswell (2009), we want

to direct attention to how research and figures are used to legitimise arguments when needed, but also that

knowledge is overlooked when it does not suit policy makers' needs. In line with the outline in Chapter 2 of how we define policy, we argue that knowledge produced on prostitution in the Nordic countries is appropriated by others and we explore in what ways this manifests itself.

After describing the trajectories and characteristics of knowledge production on prostitution in the Nordic

countries, we will turn to the question of estimates of the size of the Nordic prostitution markets and knowledge

of their composition. This kind of information features prominently in prostitution policy debates as market

developments are considered outcomes of policy. Figures about prostitution in the Nordic countries are often

circulated in policy and academic debates elsewhere, and it is therefore important to show how the existing

estimates came about, and what their qualities or lack thereof are. We pay particular attention to the Swedish

case as disputes over the size of the prostitution market there are central in Nordic debates on prostitution

policies. We also present these figures and descriptions to give international readers an idea of what we are

referring to when we are talking about prostitution in the Nordic countries.

Nordic Prostitution Research

In this section, we present the research literature on prostitution in the Nordic countries from the last four

decades. We particularly explore how it has influenced what has counted as true at the time. As will be detailed

in Chapter 5, a central feature of the targeted social work that was

established in the late 1970s is that knowledge production has been a major part of these organisations and that

they, in addition, worked closely with academic researchers.[1] In this chapter we will not focus on how knowledge production influenced the content of social work, which is among the topics of the next chapter, but

rather how a strong link between social work and research influenced the latter. In the last decades of the

twentieth century, social work was a prominent frame for prostitution and the understanding of it, and this had

clear and substantial consequences for the knowledge produced, both in terms of what was constructed as the

object of knowledge in this period and what stood out as natural, relevant and important questions to ask and

answer. The close link between social work and knowledge production in the Nordic countries was already manifest

in the Malmö project in 1977, which was a social work project initiated by sociologists who also participated in

outreach work.[2] A similar process of exchange and interplay between social science and social work took place in Norway a few years later (described in Finstad et al. 1981 and 1982). In this sense the style

of work exhibited strong similarities with the research method known as *action research* (for more on

this, see Dodillet 2009).

The role of social workers as knowledge providers and the strong link between social work agendas and research

has impacted what is documented by research and the priorities of research. Especially important in their

reporting was levels of poverty, drug-use, exploitation, violence and social marginalization, and the research of

the 1980s has a clear class perspective, especially in Norway (Høigård and Finstad 1986), but also in Sweden

(Månsson 1981, Larsson 1983). As Susanne Dodillet notes (2009), the knowledge that was applied in debates on whether or not to criminalise the purchase of sex in Sweden in the 1990s was based on what social workers reported from their work among women in street prostitution.

Ever since the Malmö project in the late 1970s, knowledge concerning the scope of and conditions in prostitution

has been produced through public reports, academic research and social work in Sweden. Two White Papers were

written on prostitution; one published in 1981 and one in 1995. In the first paper a qualitative study based on

interviews with 25 women in prostitution was presented. The study describes women's experiences of prostitution

and offers an understanding of the content and consequences of prostitution (Borg. et al. 1981). Compared to the

situation elsewhere, men who buy sex were being brought to attention at an early stage in Swedish research on

prostitution. Knowledge production on clients mainly focussed on understanding sex buyers' subjective perceptions

of the purchase of sex and the delineation of different categories of sex buyers (Månsson 2008). During parts of

the 1990s, the focus on men who buy sex was actually greater than on women who sell sex in Sweden (see e.g.

Persson 1981, Månsson and Linders 1984, Månsson 1988, Andersson-Collins 1990, Hydén 1990, Lantz 1994, Sandell

et.al. 1996, Månsson 1998). The most important Swedish contributions to knowledge on women's experiences in

prostitution, , the book *Prostitution Beskrivning, analys, förslag till åtgärder* (Borg et al. 1981),

originating from the first White Paper (Socialdepartementet 1981Sven-Axel Månsson's dissertation on the

relationships in prostitution – between women in prostitution and their pimps (1981) and Stig Larsson's

dissertation on women in prostitution (1983) on the one hand, and Hedin and Månsson's book on women's experiences

of leaving prostitution (1998) on the other, were actually published 15 years apart.

Norwegian contributions to knowledge on prostitution began in the early 1980s; first with the publication of a

report (Finstad et al. 1981) and a book (Finstad et al. 1982) based on the work of a social service agency, the

Oslo Project, set up to assist youth in street prostitution in Oslo in the late 1970s. These publications also

served as a starting point for the work that lead to the publishing of the book *Bakgater*, by Cecilie

Høigård and Liv Finstad, in 1986. This book was translated and published as *Backstreets* in English in

1992. In 1989 the book *Å sette pris på kvinner* on men who buy sex was published by Annick Prieur and

Arnhild Taksdal, alongside several articles and reports on the same topic by the two authors. (Some of the

findings were presented in English in Prieur and Taksdal 1993.) Prieur and Taksdal's work was developed as a

consequence of *Bakgater*, but the authors depart from Høigård and Finstad in how the purchase of sex is

presented and what policies are proposed. A whole chapter of *Bakgater* is dedicated to the argument that

the purchase of sex should be criminalised, leaving the sale of sex legal, Prieur and Taksdal's (1989) book

concludes on a more sceptical note, asking for prostitution to first and foremost be combatted with information about how prostitution is experienced by women who sell sex and with a stricter enforcement of the

Act on pimping and procuring. Both these books serve as examples of how prostitution research

at the time actively engaged with questions of what policy to apply.

Knowledge production and policy making were also linked in other ways as researchers actively engaged in policy

debates. Some of these contributions to the knowledge production were quite explicit in how they suggested policy

makers approach the phenomenon. Early Swedish and Norwegian research on prostitution research had a clear agenda

of documenting problems in prostitution identified by social workers, such as drug-dependency (Høigård and

Finstad 1986), third-party organisation (Månsson 1981), social marginalisation (Larsson 1983), early prostitution

debut (Høigård and Finstad 1986) and violence (Høigård and Finstad 1986). These descriptions and the way

prostitution was analysed in terms of violence and harm, directed policy debates in a particular direction, even

though how much influence these works had varied. In Sweden, the prostitution scholarship of the late 1970s and

early 1980s made a major mark on the development of the debates, both because the results and arguments of the

research were disseminated to a greater audience of Swedish society and because it was the starting point of a

policy process wherein two White Papers were written on the question of what to do about prostitution (For more

on this, see for example Gould 2001, Svanström 2004a and 2004b, Dodillet 2009, Erikson 2011). Prostitution

research in the 1980s in Norway did not, in the same way, lead to the establishment of committees and the writing

of White Papers but did, through how it was disseminated to the general public and embraced by the women's

movement, impact greatly on the policy debates and developments (For more on this, see Høigård and Finstad 1992,

Strøm 2009, Skilbrei 2012b).

It is important to note that the close link between knowledge-production and policy formulation is not only the

case for prostitution. Bumiller describe the same relationship between the pioneers in the movement for shelters

for battered women and researchers (2008: 71).

Margaretha Järvinen (1991) points to how Danish research on prostitution in no way made the same mark on their

contemporary society as Norwegian and Swedish research did. There may be several reasons for this difference.

Nell Rasmussen (1987) described that it was difficult to get funding for research into prostitution in Denmark, a

claim repeated 21 years later by Jeanett Bjønness (2008), even though quite a lot of knowledge is produced

through social work and interventions. This is described as in contrast to the other Nordic countries and

explained by, among other things, more liberal attitudes (Jensen, Koch, Kongstad and Dahl 1990).

But in 1973, the question concerning prostitution was recognised through a White Paper issued by the Danish

Ministry of Justice, suggesting that prostitution should be addressed by organised social

work, mainly focusing on outreach work (Kriminalforsorgsudvalget 1973). Greve (2005) argues that this specific

White Paper represents a shift in the perspective on prostitution; from being framed within a medical discourse

the issue starts to be understood within a social political perspective. However, the conclusions drawn in the

paper did not lead to any concrete initiatives in the suggested direction (Jensen et. al 1990: 13). During the

period between 1973 and 1988, knowledge production on the prostitution issue in Denmark was limited. Rasmussen

argues that the reason for this knowledge gap in the Danish context can be explained by the specific Danish

approach to and view on prostitution. She argues that the general policy approach to prostitution in Denmark

during the 1960s and 1970s resembled the Norwegian and Swedish one; prostitution was understood as a social

problem (Rasmussen 1987: 275). During the 1970s, however, this perspective was losing ground and Rasmussen

suggests two reasons for this. She argues that the movement of sexual liberalisation/emancipation during the

1960s and 1970s changed people’s views on state intervention in sexual matters, stating that people’s sexual

activities at this point turned into a private matter. In addition, prostitution also turned into a more

invisible activity, taking place in various and somewhat new arenas indoors. According to Rasmussen, the

consequences of this were twofold; positive in the sense that the control over people's sexuality disappeared and

negative in the sense that this process made it difficult to problematise the consequences of the sexual

liberalisation movement (Rasmussen 1987: 276). Margaretha Järvinen (1991) points to how in Denmark there was less

research on prostitution than in the other Nordic countries, and that the knowledge that was produced did not

generate political debates or interest. An example is how the book *Prostitution i Danmark* (Jensen et al

1990) came about as a result of a parliamentary debate, but no policy debates followed after its publication

(Järvinen 1991: 17).

However, in 1988 Henriksen and Springborg conducted a small study and eventually published a book entitled

"Prostitutionsliv" (Henriksen and Springborg 1988), which concluded that prostitution can be understood

as an expression of disdain for women (both from an individual and societal perspective). According to Jeanett

Bjønness (2008), Henriksen and Springborg's book can also be understood as an argument for seeing prostitution as

a psychosocial problem. Bjønness's interpretation can, to a certain extent, be understood as related to

Rasmussen's understanding of the development of the Danish approach to prostitution. As we mention above, two

years later, in 1990, a study on prostitution in Denmark was published by the Social Research Institute in

Denmark (Bechman Jensen et al. 1990). The study *"Prostitution i Danmark – en situationsrapport 1989"* commented directly on the need for policy reform as it concluded that there was no coordinated and targeted

social work offering support to people in prostitution and to people wanting to exit. The study pointed to a need for social and psychological assistance for people in prostitution. It also concluded that professionals were in need of more comprehensive knowledge concerning prostitution and pointed to a need to

inform the general public in Denmark on the topic (ibid.). One part of the project was a study on men who sell

sex (Dahl et al. 1990) and the main report also included a description and discussion on men who sell sex,

arguing that the need for more knowledge and coordinated social work was even more urgent in relation to that

specific group (ibid:18). The study was followed by a governmental report (The Danish Ministry of Social Affairs

1990) that stated that there was a need for social interventions, prevention and public information. Within this

context, the question of prostitution was understood in terms of poverty and the suggested interventions were

mainly focused on social matters such as economy, lack of a social network and drug abuse (ibid quoted in

Bjønness 2008: 46). The report concluded that there was an urgent need for more knowledge concerning several

issues; causes and effects of prostitution, entering and exiting prostitution and the needs for support to people

in prostitution (Bjønness 2008: 46). While a broad public debate on prostitution was not initiated by this

report, it had as a consequence that the Danish Government established Daphne Center for Information og

Rådgivning om prostitutionsforebyggelse in 1991 (ibid.). The aim of the centre was to collate information

concerning the different forms of prostitution and to build and support collaborations between public and private

initiatives targeting prostitution (ibid: 47). The aim of the centre was also to disseminate knowledge, to raise

awareness concerning the matter and to develop methods and models for social work targeting prostitution (ibid.).

There is little research-based knowledge on prostitution in Iceland (Bragadóttir 2005). What exists is a series

of reports and descriptions on prostitution, most of it in Icelandic. It is mainly produced by researchers and

governmental bodies, not social work agencies like in Denmark, Norway and Sweden. In the years 2000–2001, the

Icelandic Ministry of Justice published three reports on prostitution related to concerns over prostitution

taking place in relation to striptease and phone sex operators (Bragadótter 2005). The municipality of Reykjavik

published a report in 2003, *The shape of a new sex market*.

Margaretha Järvinen (1987, 1990) early on set her mark on Nordic prostitution research with her research from

Finland. Unlike most researchers on prostitution at the time, she focussed on the control exerted over women in

prostitution more than on the characteristics of the sellers and buyers of sex. Järvinen's Swedish-language PhD

dissertation from 1990 deals with how women were controlled by how police related to prostitution in Helsinki in

the years 1944–1986. Results from this study were published in English in the 1993 book *Of Vice and*

Women (Järvinen 1993). Little research has dealt with prostitution and its regulation in this period, both

in the Nordic countries and elsewhere (Sloan and Wahab 2000), which makes this a particularly important

contribution. Järvinen argues that invisibility and discretion is typical of Finnish

prostitution markets up till that time. Women suspected of prostitution were approached by police on grounds of

suspected vagrancy. The police documentation from that period shows how their approach evidences a functionalist

definition of prostitution that mandates prioritising the forms of prostitution that appeared most of a nuisance

to others (Järvinen 1990).

Little is published in English on the Finnish prostitution markets, the different agents involved in prostitution

and on prostitution policies and discourses, and there is altogether little research on the topic in Finland

(Jyrkinen 2005). An exception is the work of Anne-Maria Marttila (2008a, 2008b) and Elina Penttinen (2008), and

there are some Finnish-language dissertations and texts (e.g., Laukkanen 1999, Skaffari 2010). Marjut Jyrkinen's

dissertation on trafficking from 2005 (in English) gives a good overview of Finnish policies and debates on

these, but does not present an analysis of its development.

Cecilie Høigård and Liv Finstad sum up the conditions and strength of the Scandinavian prostitution research of

the 1980s:

> By international standards, the conditions for prostitution research have been good in Scandinavia. For a decade
>
> now a number of people have been employed full-time in prostitution research. Stable research networks have been
>
> formed in which information and knowledge are passed along to new generations of researchers. In part as a result
>
> of this, assistance and support programs for prostitutes have been established throughout Scandinavia, unlike
>
> elsewhere in the world. The opportunity to follow prostitutes over a long period of time has led to what we have
>
> called the Scandinavian perspective[3] on prostitution. Naturally we have our disagreements and arguments; for instance, we do not share the same views on customer criminalization or on decriminalization of peaceful
>
> boyfriend-pimps. But underneath it all there is a common agreement – prostitution is violence against women and
>
> must be opposed (Høigård and Finstad 1992:183–184).

While, as Margaretha Järvinen observes (1991), the climate in Denmark for prostitution research and for defining

prostitution as violence was very different from the climate in Sweden and Norway, it might still be fair to

proclaim the existence of a common Scandinavian trend. It might for example be the case that it took longer for

such a trend to manifest itself and to gain momentum in Denmark than in neighbouring countries.

The reconceptualisation that took place in Scandinavia in this period also has to be seen in light of

international developments. In 1979, CEDAW was launched, which explicitly talked about women's rights to not be

exploited in prostitution (Article 6). And several feminists, particularly Kathleen Barry,

wrote on prostitution as inherently exploitative. Stig Larsson mentions Kathleen Barry as someone who relates to

prostitution in a "Scandinavian way" (1990: 4).

While the 1980s was a period when research in the Nordic countries to a high degree focussed on marginalised

women in street prostitution, later decades dealt with a broader set of problematics, such as men who buy sex,

men's prostitution, indoor prostitution and prostitution facilitated through the Internet. Migrants in

prostitution were also made more central. Still, we would argue that research continued to focus on processes of

marginalisation and their link to prostitution, and drug-using women in street prostitution continued to be the

most readily accessible informants to researchers and others looking for information on prostitution (Skilbrei,

Tveit and Brunovskis 2007, Bjønness 2012). Knowledge on prostitution that to a lesser degree is defined by

politicians as the core of the problem, such as indoor prostitution and men's prostitution, is explored less in

the Nordic countries. This points to how the relationship between policies and knowledge production is an

important one. Yvonne Svanström writes about Swedish research on prostitution, and contends that understanding

prostitution as both an issue to do with gender and sexuality and as a consequence of the commercialisation of

society seems to have been dominant in the 1980s, while the research after 1990 is broader in terms of

disciplines and perspectives (2006b: 70). From 1990 onwards research focusing on prostitution in Sweden was

conducted in a wide range of disciplines; economic history, business economics, criminology, social work, social

anthropology, and the history of ideas. Also the theoretical approach widened. Various forms of feminist

perspectives have been applied to the phenomenon throughout, ranging from what some would call ‘radical

feminist’[4] perspectives to queer or liberal feminist.[5] A very different representation of the lives of women involved in prostitution than we find in early research on prostitution is the work of Anna Kontula (2008). Kontula emphasises the

importance of including the pleasure of sex workers in research, something which is far removed from how

experiences with prostitution are represented in a lot of the other research on this in the Nordic countries, as

prostitution is often likened to or counted as sexual violence in itself. In Sweden, Petra Östergren (2006)

published a book in 2006, criticising the starting point of the Sex Purchase Act by presenting empirical material

that showed that the experiences of selling sex are personal, complex and not always negative. Others have also

written on how women's experiences from indoor prostitution can be different from what was

described in street prostitution in earlier work, thus departing from a definition of prostitution as inherently

violent (Skilbrei 1998). Several studies in the region have dealt with clients in prostitution, but few in recent

decades have dealt with men as sellers of sex (SOU 1995a, Eriksson and Knutagård 2005). Since the turn of the

millennium, much of the research has dealt with the nature of border-crossing prostitution and human trafficking

(Spanger 2002 and 2006, Tyldum and Brunovskis 2004, Skilbrei, Tveit and Brunovskis 2006, Marttila 2008b,

Penttinen 2008, Jacobsen and Skilbrei 2010), as well as policies and discourses on such prostitution (Stenvoll

2002, Jyrkinen 2005, Westerstrand 2008, Skilbrei 2012a), and on prostitution policies and discourses generally

(Gould 2001, Skilbrei 2001, Kulick 2003, Svanström 2004a and b, Skilbrei 2012b, Westerstrand 2008, Dodillet

2009).

Knowledge Production in Social Work Contexts

In what follows we will further explore the link between social work and knowledge production in Denmark, Norway

and Sweden. The strong tie is particular to these countries, and the knowledge produced through this link has

directly impacted policy development in a way that does not seem to have happened in Finland and Iceland.

While the knowledge production on prostitution in the Nordic countries that can be said to come out of academia

in periods has had strong ties to social work agendas, GO and NGO social workers have themselves also produced

knowledge on prostitution. As described above, early prostitution research grew directly out of social work

agendas and this means that a separation of academic and other knowledge production is unfruitful. Also later

researchers had this starting point, and we therefore see that knowledge-production in the 1990s is influenced by

social work agendas from the 1980s. Social work agencies were, after 1990, increasingly given new mandates as

centres of competency in the region.

During the first years of this century the knowledge production within Swedish social work grew extensively. In

order to develop and adjust social services to reach the target groups in the field, several social workers

published reports on the prostitution market and these aimed at developing deeper knowledge concerning the

changing field of prostitution (Flink and Sjögren 2003, Johansson and Turesson 2006, Scaramuzzino and Malmström

2006, Scaramuzzino and Weman 2007, Olsson 2007, Abelsson and Hulusjö 2008, Larsdotter et. al 2011). In addition

several reports issued by the National Board of Health and Welfare, the National Swedish Police Board and by the

Swedish Council of Crime Prevention attempt to give continuous information about the scope of prostitution and

human trafficking for sexual purposes in Sweden (The National Board of Health and Welfare

2000, 2004, 2007, the National Swedish Police Board 2010, 2011). Ever since the prohibition of the purchase of

sex was implemented in Sweden, the Swedish National Board of Health and Welfare has been commissioned to collect

data concerning the scope and development of prostitution, as well as concerning the social initiatives carried

out at the local level (Government Bill Prop. 1997/98: 55). In July 2008 an action plan against prostitution and

human trafficking for sexual purposes was issued by the Swedish Government (The Ministry of Integration and

Equality 2007: 167). One of the measures in the plan concerns production and mediation of knowledge. Several

studies were initiated and funded by the action plan, for example studies investigating exploitation of young

people on the Internet (Ungdomstyrelsen 2009, Jonsson and Svedin 2012), experiences of selling sex among LGBT

persons (Larsdotter et al. 2011), evaluation of the social initiatives (Kjellgren, Priebe and Svedin 2012,

Kjellgren, Abelsson and Svedin 2012; Kjellgren and Svedin 2012; Åkerman and Svedin 2012a and 2012b) and

evaluation of the prohibition of the purchase of sex, later referred to as the Skarhed report (SOU 2010). The

Skarhed Report, in addition, suggested that a centre of competence dedicated to prostitution should be

established in Sweden.

Also in Denmark and Norway, the production of reports and similar, by social workers is extensive. Denmark has

had a knowledge development linked closely to social work since the mid-1990s, and a lot of the knowledge

production is performed by multi-agencies that are also involved in outreach (Bjønness 2012). As mentioned above,

the Danish Daphne Center for Information og Rådgivning om prostitutionsforebyggelse was established in 1991. In

1997 the PRO-centre, a centre for prevention and social work with women and men in prostitution, was established

as well. The centre was an independent national organisation headed by the Danish Ministry of Social Affairs and

aimed at both preventing and reducing prostitution, offering strategies for people’s health and social problems

and at mediating knowledge and experience gained through these initiatives (Malmgren and Olsen 2000: 5 quoted in

Bjønness 2008: 49). Thus the centre had both a knowledge-producing and a counselling function (ibid.). However,

the activities within the centre were soon reorganised, the outreach work stopped, and the activities were from

then on mainly focused on knowledge production, mediation of knowledge and consultative work. One of its major

objectives at this point was to produce a report on prostitution in Denmark which would be used as a

knowledge-base for the issuing of a National Action Plan on prostitution. The action plan *Et andet liv* was issued in 2005 (The Danish Ministry of Social Affairs 2005: 5–9) and presents an overview over the scope,

forms and background for prostitution in Denmark. Prostitution is, within this context, understood as being

caused by economic problems and as a result of social vulnerability. In addition, experiences of sexual abuse and

sexual violence are presented as further explanations to why people enter prostitution (ibid.

2005: 3). The action plan presented some suggestions on how to approach the matter through facilitating access to

psychological help and to the labour market (Bjønness 2008). In Denmark however, there has also been an interest

in the self-perceptions and motivations of men who buy sex in relation to the formation of social initiatives

targeting men how buy sex (Lautrup 2005). The discussion concerning men who buy sex has been framed by the

ambition of preventing prostitution (ibid.). The question of prostitution in the Danish knowledge production can

thus be interpreted as framed by a social work context, using the Nordic approach to prostitution as a social

problem, to point to the need for more organised and targeted social work in relation to prostitution.

Knowledge on prostitution in Norway also came from both researchers and social workers, and the work was often

closely related, like in the Oslo Project in 1979–1981 (Finstad et al. 1981, 1982). Social workers also wrote

about their experiences with working with women in prostitution and on how society should approach them and their

clients (e.g., Jessen and Frigstad 1988). The Pro Centre, a social work agency since 1982, was appointed as the

country's national resource centre on the issue of prostitution in 1993. The Pro Centre give reports on the

developments in the prostitution markets in the form of annual reports and reports on particular issues based on

their experiences or on identified knowledge needs among politicians. Publications have dealt with a broad

spectre of topics, like foreign women in prostitution (Norli 2006), but also with clients (Smette 2003) and

violence in prostitution (Bjørndahl and Norli 2008, Bjørndahl 2012). Men's prostitution has been the topic of

some student papers and in some reports, such as a report from the project "*Gutteprostitution*" at the

Pro Centre in the years 1991–1992 (Solevåg and Isachsen 1993), and a report from the Pro Centre (Bjørndahl 2010).

The last report came after a public outrage over the fact that men who sell sex do not get their assistance needs

met, even though elaborate assistance schemes have been developed to assist women who sell sex.

Characteristics of Nordic Knowledge Production on Prostitution

In the following, we will describe what characterises knowledge production on prostitution in the Nordic

countries in greater detail. As we have already mentioned, early Nordic prostitution research was marked with its

focus on already-marginalised women in prostitution and a definition of prostitution as a problem in itself, for

structural reasons to do with gender and social inequality. As markets and political agendas changed, new groups

were included in this category. The most important shift is how vulnerabilities and marginalisation of migrants

in prostitution become part of the agenda.

It varies throughout the region whether migration is an important topic in the knowledge

produced on prostitution. While almost all knowledge produced on prostitution over the last ten years in Norway

pertains to prostitution involving migrants and people who are possible victims of trafficking, described above,

research related to prostitution in Sweden very rarely does. There is no reason to believe that border-crossing

prostitution and human trafficking are not taking place in Sweden, but still this has received much less interest

there than in Denmark and Norway.

During the evaluation of the action plan, the Swedish Council for Crime Prevention concluded that there was a

lack of studies that could give comprehensive knowledge concerning the situation of victims of trafficking in

Sweden. The council conducted a study scoping legal reports concerning human trafficking for sexual purposes and

procuring where the potential victim was from outside Sweden (The Swedish National Council for Crime Prevention

2011: 19).

Exceptions are the PhD thesis on discourses on prostitution and trafficking written by the legal scholar Jenny

Westerstrand (2008), an article on whether or not cross-border prostitution between Russia and Finland and Sweden

is taking place (Alalehto 2002) and three articles on Swedish trafficking policies (Waltman 2011, Bucken-Knapp,

Schaffer and Strömbäck 2012, Yttergren 2012). Experiences of people identified as victims remain unexplored.

In Finland, much of what has been written on prostitution in the last 15 years deals with trafficking for

prostitution purposes, such as the work of Kauko Aromaa (Junninen and Aromaa 1999, Lehti and Aromaa 2002, Lehti

and Aroma 2006), Marjut Jyrkinen (2009) and Minna Viuhko (2010). But others also deal exclusively with

prostitution which involves either the sellers or the buyers crossing a border (Alaletho 2002, Marttila 2008a).

Elina Penttinen (2008) combines these focuses and explores how border-crossing prostitution is experienced and

represented, and how it links with human trafficking. Both Marttila and Penttinen convey the complexity of the

relationship between migration, prostitution and trafficking, and places the subjects involved, the buyers and

sellers of border-crossing prostitution, at the centre.

In Denmark, there has also been a particular focus on border-crossing prostitution in the last decade. Several

pieces of research have been published on Thai women in prostitution in Denmark (Spanger 2006, Dahl and Spanger

2010, Lisborg 2002) and on black women (Spanger 2002, Holm 2007). In addition, a report from the National Board

of Social Services (Wiingaard 2010) sums up the experiences of social workers and police regarding the

prostitution of migrants in Denmark. It also draws on research from Norway as the author assumes that there are

enough similarities between the countries for that to be fruitful. Comparative cases are generally more often

drawn from other Nordic countries than from countries outside the Nordic region in knowledge production. The

report is also very typical in the sense that it sums up information from practitioners and

literature, instead of producing new knowledge on the situation in the prostitution market or the situation for

migrants in prostitution. This is very understandable as a central part of the mandate of the National Board of

Social Services is to gather and disseminate information from practitioners which can be used in policy

processes, but this is also true for knowledge production from people and institutions which could have produced

primary data instead of relying on secondary data.[6]

Several authors have written on prostitution taking place in border regions or on how Nordic societies approach

such prostitution or claims of it (Stenvoll 2002, Alaletho 2002, Nordin 2007, Penttinen 2008, Marttila 2008b).

With the increase in women from the former Soviet Union in domestic prostitution markets, came concerns over the

corruption of Nordic societies (Stenvoll 2002: Alaletho 2002, Paasonen 2009). Prostitution in border areas has

attracted particular attention in Finland and Norway, as both share a border with Russia, a country that has gone

through dramatic changes in the last 20 years. These changes have entailed a low degree of social and economic

security, something which has led to Russians migrating to the more affluent Nordic countries. Some of this

migration has been prostitution-related. While the percentage of Russian migrants to Finland and Norway who sell

sex is very small, this particular migration has raised concerns over how it influences local gender relations in

Finland and Northern Norway. This attention has stigmatised Russians in Finland and Norway generally, and

particularly women have to fend off assumptions that they have come to Norway through prostitution or as

‘mail-order brides’ (Sverdljuk 2009).

Another central trait of the Nordic knowledge-production on prostitution is the fact that Nordic social workers

and researchers have had a focus on the clients.[7] While the male clients within the functionalist approach were acting on a biological need that for different reasons was not met, the perspective within more recent Nordic prostitution

research on why men buy sex was linked to norms and inequalities in society whereby access to women’s bodies

through prostitution was not only possible, but also normalised (Järvinen 1990). This knowledge was the starting

point of the move towards focusing on the role of clients in prostitution and for debates on how to work against

the normalisation of prostitution.

The research on clients is closely related to research on women who sell sex. Knowledge based

on social work directed at women in prostitution was the starting point also for research and other forms of

knowledge production on clients. Inger Lantz describes how her interest in clients grew out of the work she did

as a social worker (1999: 42): ‘After doing social work on this particular street of prostitution for many years,

I began to wonder what sort of men are driving around in cars spending so much time there.' Another example is

how the initiative for a large quantitative and qualitative Norwegian study on men who buy sex (Prieur and

Taksdal 1989) was initiated by the researchers behind *Bakgater*, Cecilie Høigård and Liv Finstad (Prieur

and Taksdal 1989: 9).

Harrington is critical of the Swedish research on clients. With reference to Don Kulick (2005) who notes how men

who buy sex are pathologised and that the client is posed as the opposite of a good and healthy man in research

and information campaigns, Harringdon states (2012: X): 'Swedish scholars delineated a stigmatised sub-population

of male sex buyers as incapable of free sexual relationships and a threat to Swedish social order.' Also Ingrid

Smette (2003: 34) notes that the Swedish research pathologises men who buy sex more than the Norwegian research,

and the difference lies in whether explanations are given at an individual psychological level or at a

situational/relational level.

Even though a political wish to direct more attention to the clients in prostitution, as a part of an attempt to

shift the blame and shame of prostitution from the sellers to the buyers of sex, exists throughout the region,

this has influenced concrete policies more in Sweden than elsewhere. Swedish research has dealt more with

clients, and so have social workers (as we will describe in Chapter

5) and information campaigns. Research on clients is something which still is said to be lacking

internationally (Raymond 2004) and also in a Nordic context it is argued that the client continues to be

invisible (Keeler and Jyrkinen 1999, Petterson and Tiby 2003, Marttila 2008a). A notable exception to this is

Anne-Maria Marttila who during 2003–2006 did an ethnographic fieldwork among Finnish men who buy sex in Finland,

Estonia and Russia. Marttila (especially 2008b) has described what sense the clients make of the act of buying

sex, and how place and ethnicity interact with ideas about masculinity and femininity.

Social work and adjacent research problematised prostitution, while the issue in the 1970s was taken for granted

within a functionalist approach, or described in apolitical terms. Järvinen (1990) describes how a functionalist

approach to prostitution existed in research up until the 1960s and 1970s. Why prostitution existed seemed

self-evident in this perspective, both in the period of regulation and after, as it was often explained by a

discrepancy between supply and demand for non-prostitution sex. Why women were involved in prostitution needed

more explanations, and was often linked to individual childhood traumas and to poverty, abuse, disease and

alcoholism. The functionalist approach seems linked to a belief in persons as able to freely choose what to do

with their lives, with its disregard for structural explanations: ‘Men will be men, and men

want more sex than they can get for free.’ This background to how the subject of prostitution has been treated is

relevant to an understanding of the current regime. To know of the existence and strength of the functionalist

perspective in the Nordic countries is vital to understanding the later developments in knowledge production,

social welfare policies and criminal justice polices. One example of how contemporary understandings were also

transported into research before the period of our study is how Professor in Sociology Willy Martinussen, when

stating how one could eradicate prostitution, wrote: ‘If one wants to effectively abolish prostitution one must

eradicate the demand, that is the sexual frustration’ (1967: 9).[8] He goes on to state that prostitution removes frustrations that would otherwise manifest themselves in: ‘homosexuality, rape and sex crimes’ (1967: 9).

That this could be written by a professor in a governmental report makes it evident that perspectives applied to

a phenomenon change radically in few decades; this could not be written in the decades to follow. Tove Pettersson

and Eva Tiby (2003) point to how the definition of prostitution is susceptible to changes in legislation, as what

is prioritised by law enforcers is conflated with the phenomenon as a whole.

Male prostitution disappears out of view for this and other reasons, as is evident in both Sweden and Norway

where the Sex Purchase Acts are almost exclusively applied to prostitution where women sell sex to men. Knowledge

about men's prostitution in the Nordic countries is scarce, in terms of scope, forms and experiences. In addition

to the fact that there is very little research on prostitution where men sell sex, the perspective in such

research is also very different. Sexual experimentation and desire are given as explanations for men's

prostitution in a way not done in relation to women's (e.g. in SOU 1981; Eriksson and Knutagård 2005, Larsdotter

et. al 2011). This form of prostitution does not appear to be included in the definition of what the problem with

prostitution is. There is a long history of not treating men's prostitution as a problem in the Nordic countries

(pointed out by e.g., Greve 2005), even though there is evidence of prostitution being at least as common an

experience among boys as among girls (Pedersen and Hegna 2003, Svedin and Priebe 2004, Ungdomsstyrelsen 2012).

Most of the forms of regulating prostitution that have been in place in the region have not been used towards

men's prostitution. In some periods, men's and women's prostitution have also been regulated by separate Acts, or

the law's preparatory work separates the two forms of prostitution. One example of the latter is how a Danish

White Paper on prostitution from 1955 argues that the authorities should work to prevent men selling sex because

prostitution could lead to social problems *for* them, while women's prostitution was

seen as a result *of* social problems (in Greve 2005: 13).

A functionalist approach to the phenomenon can also be said to have underpinned the prostitution policies in

Europe in the nineteenth Century. David Garland (1985) described how the idea of the individual free subject was

central to Victorian ideas on personhood and that this starting assumption made capitalist relations less

susceptible to critique. The regulationist approach to prostitution at the time was aimed at organising control

and health controls in such a way that prostitution did not disturb the rest of society, but it held no ambitions

to do away with prostitution. Also today, functionalism underpins prostitution policies and, as we will show in

Chapter 6, pragmatic policies designed to weed out only particular

forms of prostitution continue to exist in the Nordic countries.

Several have argued that a lack of interest in nuances and insistence on a definition of prostitution as gendered

or sexual violence in Sweden, among other things, must be seen as a reaction to the previous functionalist and

liberal approach. Hanna Olsson (2006) describes the period before the late 1970s as marked by sexual liberalism

and she argues that this influenced the attitudes towards prostitution. This also had consequences for how the

client in prostitution was understood; as someone who had problems finding sexual partners without paying and who

had the right to sex (Olsson 2006). Later changes in attitudes towards prostitution have to be viewed in light of

this, Olsson argues, as they come as a reaction to a liberal position that was taken too far. Don Kulick (2005)

deals with the origin of current understandings of prostitution in Sweden. He also argues that sexual liberalism

produced a reaction that gave changes in public debate. Kulick times this sexual liberalism to an earlier period

than Olsson, stating that you have to go back to the 1950s and 1960s in order to find sexual liberalism as an

ideology in Sweden, while the debates on sexuality increasingly came to be about power through the 1970s. Susanne

Dodillet (2006) argues that an understanding of prostitution as something to do with power started to develop

even earlier, pointing to how even in the era of sex liberalism, the boundaries between accepted and unaccepted

sexual acts and sexualities were strong, and that a power perspective was also at that point applied to questions

of sex and sexuality.

Järvinen (1990: 14) describes a shift in the approach towards prostitution when a feminist perspective on

prostitution grew forth during the 1970s and 1980s. This was a development in many Western countries, but she

describes this tendency as particularly strong in the Nordic countries, in the form of “the new Nordic

prostitution research". In this perspective, gender inequality was seen as a reason behind prostitution, as well

as more symbolic aspects of the gender order. Individual childhood trauma continued to be included as a reason

for understanding women's prostitution, but this again was placed within a wider framework of

gender and class (ibid: 17). As a reaction to a liberal and functionalist approach, social workers and scholars

wanted to describe the marginalisation many people involved in prostitution are subjected to and how prostitution

needs to be contextualised in relations of ruling. A significant trait of the knowledge produced on prostitution

in the Nordic countries is the fact that it describes, in great detail, social marginalisation of people selling

sex, which has offered vital knowledge for developing targeted social work.

This close link between research and social work and the subsequent focus on the needs of people involved in

prostitution is a strength in the knowledgebase in the Nordic countries. But there are also some problems

involved in this. One is that the knowledge-base may not be as sound as more purely academic research. Stig

Larsson (1990: 5) contends that the education of social workers is not research-based in all countries and that

some of the early work done on prostitution was more a case of description rather than systematic knowledge

production. Secondly, the fact that this knowledge is closely related to the field of social work means that it

includes only or mostly groups that are being targeted by social interventions. This concerns specifically women

in street prostitution. This means that there is significantly less knowledge about women and men engaged in less

visible forms of prostitution, transacted, for example, through the Internet or in indoor locales such as

brothels and massage parlours. This also means that for example in Norway, where Norwegian women are mainly

selling sex indoors and foreign women in the streets, the knowledge concerning Norwegian women in prostitution is

currently less developed and systematised than knowledge of foreign women in prostitution.

Biases in what parts of the prostitution markets and which actors are made visible through knowledge production,

can have serious consequences in policy debates and implementation. Prostitution taking place off-street and the

prostitution of men are the most important example of this, but in the current climate, Nordic women involved in

prostitution are much less visible in knowledge production and public debate. This means that these groups are

less likely to be taken into consideration in the development of legal measures and social interventions.

Particularly in Sweden, knowledge was for a long time developed almost exclusively based on social work directed

at Swedish women selling sex on the street (see e.g. Månsson 1981, Larsson 1983). The Danish approach to social

work and to knowledge production seem to be quite different, and there has been quite a lot of knowledge produced

on indoor prostitution there (see e.g., Pedersen and Heindorf 2000, Haansbæk 2001, Christensen and Barlach 2004).

Within this context it is interesting to notice that there is also a wellestablished, organised outreach work

targeting indoor prostitution in Denmark (Kofod et al. 2011). What is deemed interesting and necessary data about

people in prostitution is closely linked to views about what prostitution is and what should

be done about it (Day 2007). Gender, arena, ethnicity, services, age, age of debut, drug-use and organisation are

but some factors people involved in prostitution are registered by. These give an indication of what kind of

problem prostitution, at any given time, is considered to be. Women who sell sex were early on described as

significantly different from other women (see particularly SOU 1981). Later on, the question of why women sell

sex was answered with a clearer reference to social structures, not just individual problems and vulnerabilities

(Skilbrei 2012b).

Bjønness argues that the Danish knowledge production in a too large degree is linked to governmental and NGO

problem definitions, and asks why more academic work on prostitution has not been undertaken in Denmark. An

example of how the mixing of social work agendas, politics and knowledge production can be problematic was when,

in 2011, there was a controversy over how large the market for prostitution actually is in Denmark. It was

revealed that the National Board of Social Services did not approach the figures it was presented with by NGOs

critically (Bjønness 2012). It turned out that social services had been in contact with 3,483 people, not the

reported 5,534. Figures and information about the prostitution market are given weight in policy debates and as

such, Bjønness argues, they should be supplemented by research with fewer vested interests in policy outcomes.

Nordic prostitution research has mainly been funded by public institutions, in the form of both funding for

commissioned research by ministries, and in the form of funding from the national research councils. This is not

particular to knowledge-production on prostitution but is rather a trait of the research funding structure in the

Nordic countries.

Another bias in the knowledge production in the Nordic countries is how its priorities are related to what

politicians at any given point need to know in order to formulate policies. The knowledge production in the

various Nordic countries varies, seemingly according to what concerns politicians and others have, and what kind

of problem prostitution is defined to be. While the Swedish and Norwegian research on prostitution in the 1980s

was very much linked to social work agendas and dealt with women working in street prostitution, research in

Norway in the 1990s followed the rising concerns over the increase of indoor prostitution venues, and ten years

later, most research dealt with migrant women involved in prostitution and the risk of trafficking.

Carol Harrington notes how the problem definition of prostitution and knowledge production have worked together

in Sweden since the late 1970s (2012: 8): ‘Swedish government commissions on prostitution and trafficking have

provided public funding, and an audience for academic research on ex buyers, for example, Sweden’s first

commission on prostitution, successfully recommended government funding for further research on clients.’

Since debates on whether or not to criminalise prostitution have been high on the political

agenda for three decades in Norway and Sweden (Skilbrei 2012b), much knowledge has been produced on the question

of legislation. Debates on criminalisation have emerged on and off in Denmark, and the knowledge production is

accordingly influenced by how legislation is placed at centre stage. Several publications deal with how people

involved in prostitution would respond to a law revision (Kofod et al. 2011, Bjønness 2011).

This, again, also means that prostitution is constructed as a certain type of social problem, as one to do with

law. With this the complexity and the variations within the phenomenon is not taken into consideration

(Pettersson and Tiby 2003). Still today, much knowledge production on prostitution is concerned with detailing

exploitation in prostitution and lack of alternatives among people selling sex, including trafficking. The

development of research with strong links to social initiatives is an important trait of early knowledge

production on prostitution in the Nordic countries, and this is still the case today.

The great interest in the Swedish law revision of 1999 has perhaps made research into policy development

particularly attractive to both researchers and funders as we see a great deal of research on prostitution policy

and its consequences in Sweden (Svanström 2006b, Kulick 2003, 2005, Gould 2001, Olsson 2006, Petterson and Tiby

2003, Dodillet 2009, Siring 2008, Kuosmanen 2008, 2011, Waltman 2011). Several student papers also deal with the

topic.

Interestingly enough, even though early knowledge production on prostitution stemmed from, or was integrated in

social work agendas, later research has produced little knowledge on the social and health work directed at

persons in prostitution itself and the social and health needs of this group. An exception is the work of Jeanett

Bjønness who, in her doctoral work (Bjønness 2012) and in commissioned reports (Bjønness 2008, Bjønness 2011),

has written about how social workers and women involved in prostitution relate to each other. Her empirical work

is done among some of the most vulnerable women in prostitution, women with drug dependencies, something which

has probably mandated taking social and health work seriously. In the next chapter we will describe the social

welfare policies of the Nordic countries and analyse what characterises their trajectories, priorities and

outcomes. But before that, we now turn to the task of describing Nordic prostitution markets as they appear based

on in research and other forms of knowledge production in the Nordic countries.

The Development of Nordic Prostitution Markets

We have now explored some differences and similarities in how prostitution is constructed as an object of

knowledge in the Nordic countries. A particularly important topic in recent years has been

the making of prostitution policies in the Nordic countries and the relationship between policies and market

developments. The development in the prostitution market has also always played a key role in producing arguments

for policy reform. Reports of changes and increases in different arenas have been met with concerns of a lasting

or worsening development, pressuring authorities to deal with the issue (Holmström and Skilbrei 2008). In the

Nordic countries, claims about changes taking place in the prostitution market are often succeeded by debates on

what policies to adopt, and developments are taken as evidence of the appropriateness of the policies in place.

Parts of the prostitution market are continually monitored to detect changes in size and composition. Also in

other countries and regions, developments in the prostitution market influence policy debates. Helen Ward and

Sophie Day (2004a) point to a link between market diversity and the eagerness to revise prostitution policies in

Europe; as the market seems to become more complex, revisions in policies seem necessary.

There are good reasons for looking into the situation in the Nordic region as a whole when the aim is to

understand the development of the prostitution market. Several have pointed to a high degree of mobility of both

buyers and sellers of sex between the countries (Finstad et al. 1982, Skilbrei 1998, Rasmussen 2005, Marttila

2008a). Debates on market development take this mobility into consideration arguing that changes in the

regulation in one country change patterns of mobility of sellers and buyers of sex between the countries

(Skilbrei 2012b). Comparisons between the countries and cities within them are common, and at different times,

different cities have been described as the “worst”. Compared to Malmö and Copenhagen, Oslo was in 1980 described

as better (Fredriksson and Lind 1980). In 1990 Margaretha Järvinen described the Nordic differences (1990:7): ‘It

is not only the case that there is little prostitution in Helsinki, prostitution is also more invisible than in

its counterparts in e.g. Stockholm, Copenhagen and Oslo.’[9] In 1992, Høigård and Finstad wrote (1992:194): ‘In the Scandinavian context, Denmark stands out as the worst example.’

In this particular field, a challenge to giving context is also the fact that knowledge on prostitution markets

and their agents, in the Nordic countries and beyond, is notoriously difficult to supply. Much of prostitution

takes place in hidden venues, and the current prostitution policies and the way they are implemented also produce

obstacles for reliable knowledge. How one counts the size of the prostitution market is often a direct result of

how society regulates the phenomenon, as the prostitution that is controlled is also the prostitution that is

best accounted for and included in police and social work statistics. Thus the visibility of

street prostitution renders the people involved there more available to control, assistance and counting.

In the last decade the Nordic prostitution markets, as prostitution markets elsewhere in Europe (Ward and Day

2004b), are perceived as having changed dramatically. Much of the literature on prostitution in the Nordic

countries professes that changes have taken place, often assumptions of just such changes is why the research was

started up in the first place. In the following we will present an overall picture of knowledge about the

development of the part of the Nordic prostitution markets where women sell sex to men. Little is known about

other parts of the prostitution market in the Nordic region, such as the market for men selling sex to men. The

number of women who sell sex is also not complete. The people being counted are, first and foremost, women who

have been in contact with social work agencies or that advertise for clients' openly in magazines or on the

Internet. Taken together, this means that there are no reliable figures to use as a starting point when

estimating the size of the prostitution markets. Rather than being a presentation of "facts", the figures given

in the following are attempts to give an overview of what debaters in the Nordic countries believe to be true

about the size and composition of the prostitution market and to discuss the validity of some of this knowledge.

During recent decades the prostitution markets in the Nordic countries have indeed gone through great changes,

however, not necessarily in the ways professed by debaters. The market of today is highly differentiated and it

is assumed that most of prostitution in the Nordic countries takes place indoors, and that mobile phones and the

Internet have changed the need for staying visible for both buyers and sellers of sex (Holmström and Skilbrei

2008). This development has been in process since the late 1980s (Skilbrei 2001), but it has escalated in the

last ten years through the widespread use of mobile phones and access to Internet advertising. In Denmark, for

example, prostitution is today channelled through massage parlours and escort services to a greater extent than

before (Rasmussen 2007: 34). The situation of an increased use of mobile phones and Internet advertising is not

unique to Denmark: In Sweden, prostitution in less visible arenas such as the Internet, in apartments and massage

parlours is assumed to have increased during the last ten years (The National Board of Health and Welfare 2007,

SOU 2010). In Finland, the greatest part of the prostitution market today is found off-street (Kontula 2005), a

development which must be seen in light of recent legal changes towards criminalising street prostitution

(Marttila 2008a), as we will discuss in greater detail in Chapter 6.

Järvinen (1990) described discretion as a particular trait of Finnish prostitution markets, which creates special

challenges in saying something about the size of the phenomenon. In Norway, street prostitution became less

important during the 1990s due to the formation and increase of new indoor prostitution markets (Skilbrei 2001).

Street prostitution increased again during the 2000s as foreign women, particularly Nigerian,

seem to have difficulties establishing themselves in indoors arenas (Skilbrei et al 2006). Still, there is reason

to believe that the indoor market far exceeds street prostitution in size (Tveit and Skilbrei 2008). Even though

there are some uncertainties in the knowledge on the situation in Denmark, Sweden, Finland and Norway, it is even

more difficult to make conclusions or even assumptions about the situation in Iceland. Overall, little is known

about prostitution there, but there is some evidence that striptease bars also have offered prostitution (Atlason

and Gudmundsdóttir 2008). In 2001 the Ministry of Justice and Ecclesiastical Affairs[10] published a report exploring prostitution and the social environment in which it occurs in Iceland (Asgeirsdottir, Ellertsdottir and

Sigfusdottir 2001). The report observed that prostitution is often connected with strip clubs and that the

dancers in those strip clubs might be trafficked for prostitution. In the report it is stated that the majority

of women working in the sex trade in Iceland were said to be from Russia and the Baltic States, as well as from

Asia (Ásgeirsdóttir et al. 2001).

Political and economic changes have played a part in how markets have developed: Growing global inequality and

changes in border policies between Western Europe and Eastern and Southeastern Europe have led to an increase in

the number of women from these areas in prostitution in the Nordic countries. There has, for example, been a

significant inflow of women from Central and Eastern Europe, and also from Southeast Asia and Western Africa

entering the domestic prostitution market in both Norway and Finland (Lehti and Aromaa 2006, Skilbrei and

Holmström 2011). A major shift in the Norwegian prostitution market seems to have taken place in 2001 (Holmström

and Skilbrei 2008). Up until 2001, Thai women were by far the largest group of foreign women in prostitution in

Norway (Brunovskis and Tyldum 2004). Most Thai women identified in prostitution have not come to Norway to sell

sex, but through family reunification with Norwegian spouses and only entered prostitution after some time, often

years, in Norway (ibid., Kristvik 2005). Eastern European women constituted a new and large group from 2001 until

2004 when Nigerian women started to show up in street prostitution in the largest cities (Skilbrei et al 2006).

In 2007 30 per cent of all women in prostitution that Norwegian social workers came in contact with were from

Nigeria, in 2013, the figure was 43 (the Pro Centre 2008, the Pro Centre 2013).

In Finland, the number of foreign women in prostitution began to climb in the late 1990s (Lehti and Aromaa 2002).

Women from Estonia and Russia in particular established themselves on the Finnish prostitution market during this

period. The Finnish National Bureau of Investigation estimated in 2005 that between 50 and 95 per cent of people

selling sex were foreign, a majority of whom were from former Soviet countries, particularly

Russia and Estonia (Marttila 2008b:34). Today, Eastern European women continue to make up a large part of the

Finnish prostitution market (Marttila 2008a), but recent reports indicate that other nationalities are on the

rise, such as Romanians, Czechs, and women from African countries (Hofvudstadsbladet 3.6.12).

In Denmark there has also been an increase in the number of foreign women in prostitution (Rasmussen 2007: 34).

In 2010 the great majority of women in street prostitution in Denmark were of foreign origin (Kofod et. al 2011:

67) and in so-called clinic prostitution a little more than 50 per cent of the women were of foreign origin

(ibid: 288). Numbers from 2009 on the market as a whole report that a little less than 40 per cent of all women

in prostitution were of foreign origin (the National Board of Social Services 2009). In 2011 the women of foreign

origin in street prostitution in Denmark were mainly from Eastern Europe and West Africa. Two of the larger

groups are Romanian and Nigerian women (Reden International 2011: 9). The composition seems to be more varied

than in Finland and Norway in terms of the nationality of the sellers.

Estimates and descriptions of the development in the Swedish prostitution market have been followed particularly

closely for the last 14 years.. No large groups of foreign-born women is said to have established themselves in

the visible prostitution market (Holmström 2008 in SOU 2010), as has happened in Norway, Finland and Denmark.

However, during recent years, the number of women of foreign origin has also risen in visible prostitution in

Sweden. In Stockholm and Gothenburg social workers report that more than 50 per cent of the women in street

prostitution are from abroad. In Malmö, social workers have noticed a similar increase, however, somewhat

smaller, reporting that 25 per cent of the women in visible prostitution are of foreign origin. Many of these

women are from the Baltic States and Eastern Europe, but there are also women from Thailand, South America and

Africa (SOU 2010). It has also come to Swedish social workers' notice that there are quite a few African women in

street prostitution in Denmark, living in Malmö.[11] According to the police there are, at any given time, 120 foreign women working in the Stockholm area that advertise sex on the Internet (Hagstedt et al. 2009).

In any case, it seems clear that foreign women constitute an important part of the prostitution markets in the

Nordic countries. Some of the women settle in the Nordic countries while others continue to travel between

different countries, including their home country (Jacobsen and Skilbrei 2010). In this context, it is especially

interesting to note that there also is also movement across the Nordic borders, where women alternate between

countries (Penttinen 2008).

An important question concerning foreign women in prostitution in all the Nordic countries is

to what extent these women are victims of human trafficking for sexual purposes or not. There are numerous

problems with efforts to determine the scope of human trafficking such as how to combine the different estimates

made by various organisations, using different methods, and how to decide what information the estimates should

be based on (Skilbrei 2011). The definition of human trafficking for sexual purposes varies in law as well as in

practice. This means that estimating the scope of victims of human trafficking for sexual purposes in the region

is a great challenge that thus far has not been taken up by researchers.

If we turn to the question of available knowledge on the size of the prostitution market in the Nordic countries,

the picture becomes very complicated. Figures on prostitution are notoriously difficult to produce (Ward and Day

2004b) and almost impossible to compare because what counts as prostitution differs. As we have already

described, who is counted depends on what kind of problem prostitution is defined to be. In the Nordic countries,

the association between prostitution and social marginalisation and gender issues, has meant that street

prostitution, where women sell sex to men, is what is accounted for most comprehensively. If we are still to

refer to the estimates from the different countries, we simultaneously have to make clear the limits of those

estimates.

A few years back, it was common to state that the size of the prostitution market in Norway was not known; the

only information available was how many individual users the various social service providers had (e.g. Haaland

1997). Later, the Pro Centre quite ambitiously collated information from social services from various parts of

the country and also made continual estimates on the size of the indoor market based on counting online ads for

prostitution. Still, since estimates of persons in prostitution are based on those who have had contact with

support services or placed advertisements, not all persons in prostitution get counted. For example, essential

information is missing about men who sell sex. The Norwegian government also commissioned a mapping of the size

of the prostitution market in 2008 which was to serve as a basis for comparison in an evaluation of the effects

of the Norwegian Sex Purchase Act (Tveit and Skilbrei 2008). In this study, Tveit and Skilbrei estimate that

there are 3,329 persons selling sex in Norway. This figure is based on observations in street prostitution and

counting of internet advertisements for indoors prostitution. 1,157 of them are on the streets and 2,172 are

selling sex indoors.

An important factor when describing the development in Norway is the 2009 criminalisation of the purchase of sex.

After the Law was passed, some have written on how it came into being (Jahnsen 2008a, Strøm 2009, Bergstø 2009,

Skilbrei 2012b), and some also about the effects of the Law so far (Kotsadam and Jakobsson

2012). The market has come under surveillance by social workers, researchers, police and the media to a greater

degree than before. The impact of the Law has not yet been investigated, but social workers in the field state

that the composition of the prostitution market is changing. After six months with the new Law, the level of

street prostitution in Oslo was said to have returned to the same as the previous year (Aftenposten 2009), but

there have since been reports of a decrease in the size of the prostitution market in Bergen (Gerdts 2010).

According to the Pro Centre (2012:13) there has been a decrease of 30 per cent in the number of women in street

prostitution in Oslo since 2009, while they have seen an increase in the number of women in indoor prostitution

in Oslo, 19 per cent within the same time period. The experience of the Pro Centre is that the prostitution

market of Oslo today is characterised by mobility to a much greater extent than in 2008 (ibid.). It is, however,

too soon to tell whether these changes are lasting (Skilbrei and Holmström 2011).

According to the Danish Centre for Research on Social Vulnerability (the National Board of Social Services

2009)[12] the number of people in visible prostitution in Denmark was estimated at around 5,500 in 2009 (ibid.). Among

these around 3,300 are assumed to be in indoor prostitution, and the rest are suggested to be in street

prostitution (ibid.). In 2011 the Danish National Center for Research discussed and suggested estimates

concerning the scope of prostitution in Denmark. In their latest report on prostitution Kofod et al. (2011)

present an extensive discussion on the complexity of estimating prostitution. However, according to their

calculations there were around 3,131 women in prostitution in Denmark in 2010. They found that around 1,600 women

were working in clinic prostitution, around 900 were in escort prostitution and around 600 were working in street

prostitution (Kofod et al. 2011: 288–289). Also in Denmark the way in which information is gathered, should be

taken into consideration when using and evaluating the estimates. According to Bjønness (2008), the estimates on

the scope of prostitution are being used as facts in Danish public and political debates, even if these figures

are extremely uncertain. This means that groups of people that are not included in these estimates are not taken

into account in debates on the topic. Groups that may not be included can for example be people selling sex

without advertising, prostitution through lesser known websites, young people and adults who exchange sex for

commodities or services, prostitution in sex or swinger clubs and also transvestites and transsexuals (Rasmussen

2007:40). In their latest report on prostitution, however, Kofod et al. (2011) are trying to take these

methodological problems seriously by using mixed-methods approach in order to get as close to reliable estimates

as possible (ibid: 67–68).

Also in Sweden the data concerning the scope of prostitution are scarce and uncertain

(Holmström 2008). According to data from the period 2007–2008 (SOU 2010) approximately 300 women were identified

in street prostitution and about 300–400 people advertised on the Internet in Sweden (The National Board of

Health and Welfare 2007, SOU 2010). However, later attempts have been made to estimate the scope of prostitution

in Sweden. According to a study from Linköping University (Priebe and Svedin 2012), aimed at estimating

experiences of buying and selling sexual services, 0.7 per cent of 5,071 respondents reported that they have had

the experience of having transactional sex. The authors conclude that this might mean that there are between

30,000 and 53,000 persons in Sweden that have sold sex for money during their life course. Around 20 per cent of

those who reported that they had transactional sex at some point during their life said that they had done so

more than ten times (Priebe and Svedin 2012). In the same report the authors present figures concerning

experiences of buying sexual services. Five per cent of the respondents answered that they had bought sex at some

point; 10 per cent of the men had had the experience and 0.1 per cent of the women (ibid). Around 80 per cent of

those who reported that they had bought sex at some point stated that it had happened when abroad (ibid.).

According to social workers in the field there has been a successive decline in street prostitution over the last

ten years (SOU 2010). How this decline is to be interpreted is not clear; the Swedish Sex Purchases Act may have

had an impact, but the decline can also be understood in relation to the development that has taken place in

communication methods, including the Internet and mobile telephones (Holmström 2008, SOU 2010). It is also clear

that in Sweden the prostitution market has changed and is increasingly differentiated. As already mentioned, the

decline of visible prostitution runs parallel to the increase in the number of foreign women in street

prostitution in Sweden. As in Norway, it is primarily social workers who are responsible for evaluating the state

and development of the prostitution market in Sweden. Their main focus is on domestic visible prostitution, and

this influences the counting accordingly as changes in the composition of the market may entail that a smaller

proportion than the market is counted than before.

The last ten years have also brought changes in the prostitution market in Iceland, according to Atlason and

Gudmundsdóttir (2008). Within a relatively short time, prostitution has become more visible. Yet there is little

information about how widespread it is (ibid.).

The prostitution market of the 1970s and 1980s in Finland is described as small or almost non-existent (Häkkinen

1999). This is in contrast to the prostitution market of the 1990s, which was marked by an increase in

prostitution altogether, but particularly in prostitution involving citizens from the former Soviet Union

(Häkkinen 1999, Alaletho 2002). Finland has historically and in many ways been influenced

more by non-Nordic developments that the other Nordic countries (Alapuro 2012). Increasing internationalisation

linked to the dismantling of the Soviet Union not only influenced Finnish prostitution markets earlier than the

other countries, but also to a higher degree. The real or perceived increase of prostitution in Finland in the

1990s has also been given other explanations. Tage Alaletho states:

> During the 1990s both the assets and demands of sexual favours increased dramatically in Finland. One factor in
>
> this was the deep financial crisis and mass unemployment that Finland experienced during the first part of that
>
> decade, a problem linked with the collapse of the Soviet Union, and the direct effect of this on Finland’s export
>
> industry. (2002: 100–101)

It has also been linked to changes in sexual mores and practices in Finnish society (Näre 1999). It has been

claimed that prostitution decreased in Finland after the introduction of the ban against street prostitution in

Helsinki and other cities (Alaletho 2002). It is difficult to find information on how this ban is upheld, but

Alaletho (2002) claims that individuals selling sex are deported as a result of this prohibition. A study by

Anne-Maria Marttila (2008a) depicts knowledge of the state of Finnish prostitution as very limited. According to

Marttila all of the information that is available is based on various estimates, and the numbers differ so the

estimates for the size of the prostitution market in Finland are highly insecure (Penttinen 2008:66), ranging

from a couple of hundred to an estimated 8–10,000 (Kelly, Coy and Davenport 2009: 35). One of the studies which

produced the highest estimate was performed by Anna Kontula (2005) who concluded that there were about 8,000

persons in prostitution in Finland in 2005. A few years before Kontula's estimate, Leskinen (2003) estimated that

10,000–15,000 foreigners sell sex in Finland each year.

Broader and newer calculations of the number of persons involved or assessments of the structure of the Finnish

prostitution market have not been made. Information from police, social workers and researchers regarding the

number of foreigners working in prostitution varies (Kelly, Coy and Davenport 2009). Historically, prostitution

has been less visible and the market has perhaps also been smaller in terms of size in Finland than in

neighbouring countries, at least until the 1990s (Marttila 2008a). Of male prostitution in Finland we know

nothing. There have, to the best of our knowledge, not been any attempts made to study the size of that part of

the prostitution market. Qualitative research on the prostitution of men in Finland points to how the most

successful sellers operate entirely outside the public view (Laukkanen 1999), but we need to emphasise that this

is also the case for the prostitution of women. That has consequences for both the reality of the estimates of

the prostitution market, but also our impression on the situation of people involved in prostitution and their needs for assistance: The ones who manage life in prostitution well, do not seek out social work.

An alternative way of estimating the size of the prostitution market than counting people selling sex, is

counting people buying sex. Several large-scale population-based surveys have been designed to do so in the

Nordic countries, both before and after legal reforms, but their results are highly problematic. As a part of a

baseline study of Norwegian prostitution markets, the Norwegian Institute of Public Health included questions

about experience with buying sex in a sexuality survey in 2008. The response rate ended up being lower than 20

per cent, which meant that the researchers were unable to use the results to generate general estimates for the

Norwegian population (for details of the study, see Tveit and Skilbrei 2008).[13] A survey from 2002 (Træen, Eek-Jensen and Stigum 2005) indicated that 13 per cent of the participating men had bought sex and 0.3 per cent of the

women. The response rate was 34 per cent which makes it difficult to assume that the same rate is valid for the

general population. Also, 13 per cent of the respondents in Annick Prieur and Arnhild Taksdal's study from the

late 1980s reported having bought sex, and 80 per cent of them reported that they had only bought sex abroad

(Prieur and Taksdal 1989: 26). The response rate of their survey was 56 per cent. In a 1995 Finnish survey 11 per

cent of the male respondents reported having paid for sex at least once, almost all of them had paid for sex

abroad, while only 3 per cent had experience with purchasing sex in Finland (Lammi-Taskula 1999: 85). For Sweden,

estimates have been made for clients in prostitution in 1996 (Månsson 1998), 2008 (Kuosmanen 2008, 2011) and 2011

(Priebe and Svedin 2012). The 1996 survey found that 13.6 per cent of male participants had bought sex, while the

2008 survey found that 8 per cent of the participating men had bought sex. The response rate for the 2008 survey

was 45.4 per cent (Kuosmanen 2011: 250). In a study from 2011 (ibid.) 10 per cent of the men had had the

experience (ibid.). Around 80 per cent of those who reported that they had bought sex at some point stated that

it had happened when abroad (ibid.). The question remains whether these figures can be generalised to apply to

the whole of the Swedish male population.

Women also buy sex, but there is little information on the scope of such prostitution in the Nordic countries. In

an ongoing study on prostitution in Norway[14] we find information of such prostitution, and Mari-Elina Laukkanen (1999) says that such prostitution exists in Finland, but we do not have systematic research-based knowledge on such

prostitution in the Nordic countries.

The way in which information about scope is generated varies from one country to another and

it is therefore important to take the perspectives and methods being used into account, when presenting,

comparing and analysing estimations concerning the scope of prostitution.

The estimates of the Norwegian prostitution market are uncertain, as all estimates on prostitution are, but they

are not controversial. The estimates of the size of the prostitution market in Sweden are debated far more

widely, particularly in relation to the claims that have been made since 1999 about the possible effects that the

Sex Purchase Act has had on the size of the prostitution market. Since the law was introduced, opinions have been

divided as to what effects the Law has had on the size of the prostitution market and on how selling sex is

experienced by the sellers. We will discuss the estimates made on the Swedish prostitution market in some detail

as the developments in Sweden attract a lot of attention. It was only in 2010 that an evaluation was made of the

effects of the Law against buying sex, the Skarhed Report mentioned earlier. There had been many calls for such

an evaluation, but the argument against it was that no such evaluation was necessary (Träskman 2005). Still the

Swedish authorities have commissioned several reports on different aspects of the effects of the Law since it was

implemented, in the form of three Reports from The National Board of Health and Welfare (2000, 2004, 2007) and a

report from BRÅ (the Swedish National Council for Crime Prevention 2000) as well as annual reports from the

National Criminal Investigation Department on the Law's consequences for trafficking to Sweden.

While the reports listed above points to both negative and positive results of the law, or lack of results

altogether, The Skarhed report concludes that the Sex Purchase Act has had the desired effect on the size of the

prostitution market. The size of the Swedish prostitution market was regarded as small compared to other European

countries before the Law was introduced (Regeringens proposition 1997/98), and the evaluation of the law in 2010

concludes the same 11 years later (SOU 2010). Based on reports from social work agencies in the three largest

cities the report concludes that street prostitution today is half the size it was before the law, as it points

to how between 300 and 430 persons are identified in prostitution each year. . The report also concludes that

nothing indicates that the size of the Internet-based prostitution market has increased accordingly. This would

entail that the evaluators see no reason to assume that 300–400 more persons now than ten years ago are active

per year in indoor prostitution.

The report also argues that more men and women now believe buying sex should be a criminal offence, which is

described as a result of the normative ambitions of the Sex Purchase Act. This conclusion is based on comparisons

of attitude surveys conducted in 1996, 1999, 2002 and 2008. Another conclusion is that the Sex Purchase Act

prevents trafficking, and this is based on a statement made by the National Criminal Investigation Department in

2003.

The conclusions of the evaluations have met with criticism in Sweden (see e.g., Agustín and

Persson 2010, Dodillet och Östergren 2011). This criticism concerns how the conclusions are made on weak

empirical grounds. The evaluators lack a sound figure from before 1999 to make a comparison with, it is argued,

and the current estimates are unsubstantiated. It is further argued that the estimates of changes in attitudes

are too weak to conclude on and that the conclusion that the Law reduced trafficking is unsubstantiated. Also,

before the evaluation, claims of the positive effects of the Sex Purchase Act met with criticism. It has been

argued that the observed decrease in street prostitution says little about the overall development but rather

about how prostitution has moved on to other arenas (Bernstein 2007, Munro and Della Giusta 2008, Hagstedt et al.

2009).[15]

As mentioned in the introduction, there has been a proliferation of research and other kinds of knowledge

production which deals with Nordic cases. Sweden has been a particularly popular object of research, especially

after it criminalised the purchase of sexual services in 1999. In terms of research on prostitution policies, the

literature has thus been most extensive on the Swedish case. Around the time of the introduction of the Sex

Purchase Act, several contributions were published analysing this revision, particularly the work of Arthur Gould

(2001), Don Kulick (2003) and Per Ole Träskman (2005). We will return to the question of these and other

explanations for how the Law came about in Chapter 6.

Max Waltman (2011) is highly critical of many of the claims made about the current situation in Sweden, both

nationally and internationally. He claims that unsubstantiated claims from Petra Östergren and a faulty analysis

by Susanne Dodillet are given too much importance when scholars and others critique claims about the success of

the Sex Purchase Act. While we support Waltman's concern over how scarce evidence on the Swedish case is

circulated and used in the international scholarship on prostitution, we believe Waltman himself falls into the

same trap when he takes at face-value various Swedish Government reports on the consequences of the Law; we are

afraid he has overestimated their reliance on sound data. Waltman bases his conclusions on governmental reports

on the consequences of the Law on very weak grounds, such as a report from the National Criminal Investigation

Department on human trafficking from 2003[16] and the 2010 Skarhed Report, which was met with criticism in Sweden for its lack of new and sound data. This is an example of how politicisation and polarisation of

research on prostitution make scholars susceptible to accepting research that has conclusions they agree on,

while discarding research that concludes differently.

It is difficult to evaluate both the conclusions of the evaluation and its criticism. The overall estimated

figures for prostitution in Sweden are very low, and as long as the evaluation does not describe and discuss how

the figures used came about, it cannot be taken at face value. Especially as there are many accounts given of

prostitution taking place outside street prostitution, forms of prostitution that the estimate might not include.

The ingenuity of people involved in prostitution is great, and there is evidence that people selling sex in

Sweden found ways of establishing contact with prospective clients outside the view of police, and often also of

social workers. One way, the Stockholm police reported in 2005, was by women using their own cars to transport

clients to apartments where the prostitution took place (Syvertsen 2005). Four weeks after the Sex Purchase Act

was introduced prostitution was said to be taking place in taxis (Sveriges riksdag 1999). Another example is the

claim that prostitution contacts established through ordinary websites have increased and the finding that

prostitution in Sweden is being advertised from Danish websites (Scaramuzzino and Weman 2007). This makes it

increasingly more difficult to establish the size of the prostitution market (ibid.), so does the dispersion,

observed in 1999, of street prostitution from the traditional prostitution street Malmskillnadsgatan to smaller

streets and other areas in Stockholm (the Swedish National Council for Crime Prevention 2000). It is also

reported that prostitution takes place along roads outside smaller Swedish cities. Danish social workers and

police have claimed that the Swedish criminalisation has led to more prostitution in Copenhagen, a city only a

short drive from the Swedish city of Malmö, and Norwegian prostitution markets have been claimed to have seen an

influx of Swedish clients (NRK 2003).

These findings taken together indicate that the Swedish prostitution market is more dispersed than the one in

Denmark, Finland and Norway and more difficult to estimate the size of. In addition, not all known information

about prostitution is included in the estimates the Skarhed Report draws on. In some of the court cases described

in an appendix of the Skarhed Report, it is stated that the contact between sellers and buyers in the cases was

established outside the traditional prostitution arenas, e.g. in case involving 13 Estonian women where contact

was established in a pizzeria (SOU 2010: 287). The claim that indoor prostitution has not increased much made in

the report is also problematic. In SOU 2010 several mentions of an increase in Internet-based prostitution are

made, but not discussed. It is even stated that the Internet-based prostitution in Malmö doubled from 2008 to

2009 alone (SOU 2010: 110). This is a case of how information about prostitution from

different sources is not taken together when making estimates.

Additionally, the claim that there are no large groups of foreign women in Swedish prostitution markets is a

problematic one. In large trafficking and pimping/procuring cases all through the 2000s, groups of women from

countries in the former Soviet Union are identified.. In SOU 2010 several such cases are described. In a

pimping/procuring case from 2003 at least 35, mainly Estonian, women were identified (SOU 2010: 285). In a case

from the same year, a group of Estonian women is described as having sold sex 1,117 times in 2000–2002 (ibid:

286). Similar cases have gone to court in the years since as well. Estonian and Russian women are mentioned in

several more court cases, and based on this the number of women from the former Soviet Union involved in

prostitution in Sweden seem to be quite significant.

To sum up, the prostitution markets of today are highly differentiated, and this poses a challenge to any

attempts to estimate their size. Even though a great deal of prostitution in the Nordic countries is assumed to

take place indoors, the figures and estimates concerning the scope of prostitution are mostly based on

observations of street prostitution (Holmström and Skilbrei 2008). This creates a situation where knowledge

produced about prostitution is biased and incomplete. The prostitution market in Denmark, for example, seems more

international than it really is when only looking at street prostitution, since most of the prostitution takes

place indoors and more Danish women and men are active there (Rasmussen 2007).

The reason why there is such a strong focus on the composition and size of Nordic prostitution markets, is that

these are taken to indicate whether or not the national legislation is successful or not. All in all it is

difficult to say something conclusive about the relationship between prostitution law and the size and

composition of the prostitution market. Internationally, prostitution laws differ a lot, and so do their

prostitution markets, but there does not seem to be a strong relationship between the two. This makes it evident

that there are many other factors at play, and one important one is how prostitution is also met by measures

other than legislation. This is not to say that laws do not matter (Scoular 2010), but rather that we need to

problematise the assumptions often made in the Nordic countries on the direct relationship between criminal

justice policies and the behaviours of people in the prostitution market.

In the next chapter, we turn to how prostitution increasingly came to be defined as a social problem warranting

social welfare policies in the Nordic countries after the late 1970s. As already mentioned, social work agendas

have marked the development in the Nordic countries strongly, but in Chapter 5 we also describe how this overall picture needs to be adjusted by looking into the details of social welfare policies in the five Nordic countries and differences between them, as well as

differences within countries and over time.

1 Several researchers on prostitution in the Nordic countries started up in practical social work, particularly in Sweden, such as Stig Larsson (Månsson and Larsson 1976, Larsson 1983), Sven-Axel Månsson (Månsson and Larsson 1976, Månsson 1981, Hedin and Månsson 1998), Jari Kuosmanen (1999, 2008, 2011), Niklas Eriksson (2003) Gabriella Scaramuzzino (Scaramuzzino and Malmström 2006, Scaramuzzino and Weman 2007, forthcoming), Anna Hulusjö (forthcoming), and Suzann Larsdotter et. al (2011).

2 In September 1977 the Social Service Center in Malmö started a project aimed at offering social support and services to women in prostitution. The overall aim was to decrease prostitution in the area. Parallel to the social work, the aim of the project was also to conduct research concerning the topic (Månsson 1981, Larsson 1983). Sociologists Stig Larsson and Sven-Axel Månsson were engaged as both social workers and researchers within the project.

3 Italics in original.

4 Here we apply this term, although hesitantly, to literature which on some level defines prostitution as sexual or sexualised violence in itself, and as part of a patriarchal social, cultural and economic order. Examples are Hedin and Månsson 1998, , Svanström 2004a, 2004b and 2006a, 2006b and Westerstrand 2008.

5 Gould 2001: Kulick 2003, Kulick 2005, Östergren 2006, Dodillet 2009.

6 http://socialstyrelsen.dk/om-os.

7 From the mid-1980s up until today there have been at least 16, more or less extensive, Nordic studies dealing with this issue of men's demand for prostitutes; most of them qualitative studies based on in-depth interviews with sex buyers: Borg et al. 1981, Persson 1981, Månsson and Linders 1984, Varsa 1986, Prieur and Taksdal, 1989 and 1993, Andersson-Collins 1990, Hydén 1990, Lantz 1994 and 1999, Sandell et al. 1996, Lyngbye 2000, Smette 2003, Kippe 2004, Lautrup 2005, Kuosmanen 1999 and Kuosmanen 2008 and 2011.

8 In Norwegian: "Ønsker man effektivt å fjerne prostitusjonen, må man fjerne etterspørselen, dvs. den seksuelle frustrasjon".

9 In Swedish: 'Könhshandeln i Helsingfors är inte bara liten, den är också betydligt mera osynlig än dess motsvarighet i t.ex. Stockholm, Köpenhavn och Oslo.'

10 Justitie - och kyrkoministeriet.

11 Interview with social worker, working in the field of prostitution and human trafficking for sexual purposes in Malmö, 24 April 2012.

12 In Danish: Videns- og formidlingscenter for Socialt Udsatte.

13 The low response rate was for the questionnaire as a whole, not only for the prostitution-related questions.

14 For more information on that study, see fafo.no/prostitution.

15 Additionally it is important to note that fewer women in prostitution do not mean less prostitution. Nord and Rosenberg (2001:6) reported in 2001 that the price per customer had decreased by 50 % after the introduction of the law, which meant that the women sell sex more times than before to get the same amount of money.

16 This report states that there are indications that the ban on the purchase of sex of makes Sweden a less attractive country for traffickers. The only evidence that is mentioned in the report is an incident where police in surveillance material in a trafficking case overheard traffickers complain about lack of clients in Sweden.

Chapter 5
Regulating Prostitution through Social Welfare Policies

As described in Chapter 3, the Nordic countries are marked by comparably generous welfare provisions while at the same time being marked by a low degree of punitivism. This sets the countries apart from much of the cases theories of prostitution policies and theories on the relationship between social welfare and criminal justice are based on. Nordic welfare provisions are mostly universal, funded by taxes and investments, and based on both citizenship and participation in paid labour. The field of prostitution has seen the emergence of targeted services, and the question we pose in this chapter is how this came about and what it says about society's approach to prostitution and its agents, that separate services for people involved in prostitution were deemed necessary and took the forms they did.

In this chapter we focus on social work directed at people involved in prostitution in the Nordic countries. As we will expand on in Chapter 6, social work and police work are often interacting in the Nordic countries, and are sometimes described as complementary to each other. In debates on whether or not to criminalise the purchase of sex in the Nordic countries, this relationship is often made relevant (see for example Erikson 2011). As prostitution was increasingly defined as a social problem in the region, the relationship with law became complex as there were discussions as to whether social problems should be met with criminal justice or not. When the Danish government decriminalised the sale of sex in 1999, this was formulated as a response to such concerns. The Minister of Justice stated (in Greve 2005: 9): 'On the contrary; prostitution is both a symptom of and reason for social problems, most appropriately dealt with by social policies.'[1] This approach to prostitution was contrasted to approaching prostitution with criminal justice, but the Minister goes on to also contrast such an approach to a definition of prostitution as work.

In the last four decades a variety of social work agencies with different agendas and methods have been established in the region. These targeted services come in addition to and ideally complement the general welfare and health provisions in the region, and we are particularly interested in what kind of assumptions about prostitution and its agents these services are based on. We argue that it is necessary to look at how social work takes part in constructing and monitoring the field of prostitution, and how it interacts with how prostitution is regulated through criminal justice. In contemporary society, the management of unwanted phenomena and behaviours is not only performed by the police, but rather by a broad range of actors who take part by surveying citizens and overseeing their self-governance (Foucault [1977] 1998, Rose 1999). Social work, also in privatised forms, functions as an extension of state control (Pitts 1996, Newman and Yeates 2008). Sensitivity towards the broad range of techniques of governance at play is particularly important as we are seeing an increasing diversification of ways prostitution is managed, ways that separate from each other or in combination open up for profound interventions into the lives of people selling sex (Phoenix 2009, Scoular and Sanders 2010). Jane Scoular (2010) points to how Foucault's concept of biopower can be applied to understand how people involved in the sex industry are governed. The categorisation and mapping that takes place within the field of prostitution can be seen as an expression of this.

What is, at any time and place, governed as prostitution is not a given, but rather needs to be seen as produced by wider concerns and processes (Walkowitz 1982, Ward and Day 2004a). Who is targeted for special forms of social work, and how this social work is designed, tells us something about these. We will in this chapter relate to this literature and enquire whether this development is also taking place in the Nordic countries.

We will take a closer look at these targeted services and what seems to influence how they perform social work. We start by describing the history of social work in the Nordic countries before turning to what services actually exist in the various Nordic countries today and what kind of work they do.

Regulationism and the History of Social Work

Women involved in prostitution have been the target for various social schemes since the establishment of a regulationist system for ‘public women’ in the nineteenth century, also in the Nordic countries (Schiøtz 1977, Järvinen 1990, Lützen 1998, Häkkinen 1999, Pedersen 2000, Svanström 2000). Based on a model developed in France, many European countries introduced forms of regulating prostitution through a combination of health controls and police by-laws during the nineteenth century (Jansdotter and Svanström 2007). Divisions were made between different groups of ‘public’ or ‘fallen’ women within the category of ‘prostitutes’, some were put under closer surveillance than others, based on their characteristics and the arenas they operated in. How the women were allowed to operate, live and dress was regulated by police by-laws.

This approach to prostitution was a harm reductive one as it was an attempt to control the spread of STIs, especially syphilis, not an attempt to do away with prostitution. Prostitution was defined by and regulated through a medical discourse and a functionalistic approach, and was not defined as a problem in itself (Spanger 2011). While selling and buying sex often continued to be prohibited through the national penal codes, prostitution was accepted as long as women who sold sex were willing to have regular health checks and follow rules as to how and where they could practice prostitution. This was the case in Denmark, Norway, Sweden and Finland. During the late nineteenth century, medical doctors had gained influence in the prostitution debate in Sweden and their main argument for controlling rather than prohibiting prostitution was that men get sick if they have to abstain from sexual intercourse until marriage (Svanström 2004b: 219). During this period prostitution was understood as something inevitable. Men’s need for prostitution was, in other words, taken for granted and controlling the women that they bought sex from was considered to be of societal concern (ibid: 220). This approach was also in line with the contemporary definition of social problems as something to do with individuals failing to live up to moral standards, and not as something linked to opportunities in life and structural inequalities (Garland 1985). Social work in the form of charity work built on the premise of the free-choosing individual who needed assistance because they had gotten into trouble. The assistance they were offered was also influenced by this idea about personhood and the idea that prostitution was inevitable and could not be prevented.

In the same period in Norway, prostitution was first regulated through health checks and police by-laws controlling where and in what ways prostitution took place, but also how women in prostitution could behave, before prostitution was decriminalised in 1902 (Skilbrei 2012b). The shift in regulation came about after reactions to how the regulation system entailed a strict control over women in prostitution, but also to how such a system of toleration normalised prostitution and thus indecency (Hansen 1990).[2]

This system did not only control unwanted prostitution. Through how health and police measures were applied, some prostitution was left out or mostly left out, and this created a niche of sanctioned prostitution. In Denmark, the Act on Measures to Combat the Spread of Venereal Infections was enacted in 1874 (Pedersen 2000 in Bjønness 2012) with a combination of health inspection and de facto licensing of individual women in prostitution.

In hindsight, researchers contend that the need to classify in this way was to do with sexual double-standards and views on marriage, but also to do with the increasing pressure from bourgeois women to gain access to vote, work, inherit and higher education. To ensure that ‘decent’ women in public space were not confused with ‘indecent’ women, one had to make sure that they were easy to tell apart. This was achieved by making sure ‘fallen’ women were visible by what they wore and their spatial and temporal location (Bland 1992). The background to this is also how industrialisation raised concerns over social unrest, gender roles and sexual promiscuity, and thus, in the longer run, the establishment of a dangerous working class.

The regulation of prostitution in nineteenth century Europe needs to be placed within the greater realm of modernity wherein Western societies went through a development towards rationality and order, and towards establishing institutions that were delegated the tasks of regulating the population. It is no coincidence that the whole of Northern and Western Europe was concerned with delineating prostitutes from non-prostitutes throughout the nineteenth century through various schemes for classifying and regulating prostitution, so-called ‘regulationism’. Societies, including the Nordic, were concerned with avoiding chaos, in this case also in the form of the uncontrollable spread of syphilis, and as Bauman states (1991: 5): Order and chaos are modern twins.’

Today it is not difficult to conclude that a wish to control women was what was behind the regulation of prostitution in the nineteenth century, even though the argument at the time was public health. The challenge in analysing the contemporary is to in a similar way see what is going on when prostitution is debated and regulated in a particular way, and what is at stake when prostitution is delineated from non-prostitution the way it is.

Defining a Social Problem – Social Welfare Policies and Action Research

To understand the emergence of other definitions of prostitution and its agents and of other ways of managing women who sell sex than through policing and check-ups for STIs, we now turn to descriptions of early social work. As we described in Chapter 4, starting in the late 1970s prostitution came to be defined as a social problem and its participants in need of social and health assistance in the Nordic region, something which manifested itself in the emergence of social work projects and agencies and in what was the focus of research. Also earlier, women who sold sex had been met with assistance, and between the period of regulation and the late 1970s, a variety of agencies were in contact with these women. Anna Jansdotter (2004) has studied the period 1850–1920 and looks at the relationship between women involved in prostitution and the women offering them support and different kinds of aid in Sweden. She describes how ideas at the time about women selling sex and appropriate gender relations and sexual practices meant that redemption and rehabilitation were at the core of their approach. The fact that these projects were part of Christian home missions was evident in the inclusion of Biblical references, for example when shelters for women involved in prostitution were established, they were given names like Magdalena and Bethesda (Jansdotter 2004: 395–396).

Marlene Spanger (2011) describes the emergence of a social policy approach to prostitution as Christian NGOs started up work among young women to prevent them from entering prostitution in Denmark in the 1920s and 1930s. These early interventions in prostitution were characterised by rhetoric of rescue and through this rescue, the virtue of “fallen women” could be reinstated. With this work, the emphasis continued to be on

individuals and their shortcomings and problems, and on concerns over the consequences of the phenomenon on greater society.

Prostitution as such was not generally considered a social problem at that time, and it is interesting to us the ways in which such a definition came about. Jeanett Bjønness argues that prostitution came to be seen as a social problem in Denmark in the 1970s. At that time the focus on women in prostitution was changing. From being perceived as treats in terms of health, decency and public space, women who sell sex were increasingly understood as victims. This can be understood as part of a larger shift in society with an increasing sensitivity to choice and individuals (Bjønness 2012). In 1973, a White Paper on prostitution described individual assistance as the appropriate way to approach women involved in prostitution in Denmark (Spanger 2008: 74). The understanding of why prostitution existed was individualistic; a contrast to later structural approaches (Spanger 2008).

The Danish Penal Code § 199, which partly criminalised the sale of sex, was removed in 1999 with direct reference to how prostitution is more suitably regulated through social welfare policies (Bjønness 2012). After this law revision, people selling sex were obligated to pay taxes, but income from prostitution did not give rights to welfare benefits. Instead of being granted general rights, persons who sell sex continued to be offered targeted social and health services. There are a range of organisations targeting prostitution and trafficking in Denmark. Some are non-profit organisations; others are funded and organised by the Danish state or by Danish municipalities, and some are funded through private donors/foundations. A great part of the work is, today, organised through the National Board of Social Services, an agency under the Danish Ministry of Social Affairs and Integration. According to Nell Rasmussen the Danish social work targeted at prostitution is mainly performed through outreach work that builds on an empowerment strategy (Rasmussen 2007: 116). The National Board of Social Services is targeting prostitution in various ways; through knowledge production, by forming initiatives and developing measures, by providing a knowledge-base for the Danish Parliament, the ministries or to the municipalities, and through performing outreach work among people in prostitution in Denmark. Two centres organised by the Board are working specifically with these matters; Kompetencecenter Prostitution and The Danish Centre against Human Trafficking. Both centres are closely related

to the Danish plans of action targeting prostitution (2005) and trafficking (2007, 2011). The first centre consists of three teams located in Copenhagen, Aarhus and Odense. Kompetencecenter Prostitution mediates free contact with psychologists, for both people in prostitution and for those who have exited. In addition they offer counselling over the phone, hiv/std prevention, group therapy for women who have exited or consider exiting, to talk about life in prostitution, support for exiting prostitution. Furthermore, the centre is issuing a newsletter in cooperation with people in prostitution. People buying sex and people who are related to people in prostitution are also offered social services by the Kompetencecenter Prostitution. Furthermore, counselling for public authorities, organisations and municipalities is given free of charge by the centre.[3]

In addition to the state-funded interventions, closely connected to the action plan, there are a variety of organisations targeting people in prostitution. Rederne (the Nests), are part of an NGO called KFUKs Sociale Arbejde,[4] which has been offering social services to women in prostitution since the early 1980s. The social work within this organisation is targeting Danish women, many of them having a drug addiction. There are three "Nests"; one in Copenhagen, one in Odense and one in Aarhus. The Nests are offering counselling, short-term housing and also support in contact with authorities. Since the late 1980s the social work targeting prostitution has received financial support from the City of Copenhagen and the Danish Government. A more recent initiative within the organisation of Reden is the "Svanegrupperne", offering group therapy to Danish, drug-free women who are considering exiting or already have exited prostitution. "Svanegrupperne" is funded through private donors.[5]

The Danish Centre against Human Trafficking is organised through the social dimensions of the National Action Plan to Combat Trafficking in Human Beings 2007–2010, and reports to the Danish Minister of Gender Equality and the Department of Gender Equality.[6] In agreement with the Centre a number of NGOs and social organisations are responsible for carrying out the social outreach dimensions of the National Action Plan throughout Denmark. The centre is, for example, cooperating with the Nest International, a Danish NGO which manages a shelter for potential and identified female victims of human trafficking. The Nest is running an establisment in the prostitution area in Copenhagen which is open for women from abroad, who are in need of support, counselling or health care.

The Centre is also responsible for collecting and mediating knowledge concerning victims of human trafficking in Denmark.[7]

There are a variety of organisations that target foreign people (women) in prositution in Denmark. Pro Vest, for example, is an independent organisation, working under a contract with the Danish Centre against Human Trafficking. Their main target group is foreign women in prostitution. The organisation offers anonymous advice and health services and consists of a socio-medical team, which conducts outreach work at massage parlours, in the escort area and other prostitution communities in the southern part of Denmark. Another organisation that works specifically with foreign women (and men) in prostitution in Denmark is Hope Now, an NGO established in 2007. Hope Now is cooperating with the Danish Centre against Human Trafficking, Pro Vest, the Red Cross, Kompetencecenter Prostitution and Reden International. The organisation is also cooperating with organisations in the home countries of the women, in cases of return and repatriation processes (Kofod et al. 2011: 308).

There are also projects and collaborations at the municipal level. In Copenhagen for example, an action plan targeting women in prostitution who either want to exit or are in need of support has been issued and implemented through cooperation between the Social Services Administration, the Employment and Integration Administration and the Kompetencecenter Prostitution. In addition to Danish NGOs targeting prostitution through different kind of social work, Danish women in prostitution established a separate organisation, SIO (“sexarbejdernes intresseorganisation”) in 2008. The main objective of the organisation is to voice the concerns of sex workers, to work for their human rights and to fight negative attitudes and approaches to people in prostitution. SIO have 129 members, mainly Danish women in indoor prostitution, but also foreign women in indoor prostitution, men in prostitution and women in street prostitution (Kofod et. al. 2011: 313).

In Norway, the focus in the 1960s and 1970s was on prostitution as something that existed due to the acts of individuals and which had consequences on an individual level: ‘Few offered structural or cultural explanations to prostitution, rather prostitution was represented as something that existed because individual “bad guys”, pimps, tricked, and exploited individual “bad girls”, and the task of the police and social work was to meet these criminals and girls as individuals’ (Skilbrei 2012b: 248–

249). As mentioned in Chapter 4, functionalist explanations were given to prostitution in the 1960s and 1970s by authoritative sources in Norway. This changed during the course of the 1980s, where explanations given on cultural and structural levels became more widespread, and the focus on the individual was not only on individual pathologies, but also on individual trauma and problems due to prostitution. No longer just a problem for society, prostitution came to be defined as a problem for those involved (for more on this, see Skilbrei 2012b). With this, it became possible to problematise the existence of prostitution altogether. Finstad et al. (1981, 1982) describe how concerns over the prostitution of minors in Oslo started a process which ended with the establishment of the first social service targeting people who sold sex, in 1979.

While Norway does not have a national strategy on how to approach prostitution through social welfare policies, services are comprehensive and stable. The emergence of social work directed at people selling sex directly grew out of both general concerns around issues of individual marginalisation, class, gender and inequalities, and of knowledge produced on prostitution in social work and in research, especially through the criminologists Høigård and Finstad's research published in *Bakgater* (Høigård and Finstad 1986, later published in English with the title *Backstreets* in 1992). Norway has, since 1979, had project-based and permanent social agencies offering various forms of assistance to people involved in prostitution. The first more permanent institution was set up in 1983, when the later Pro Centre was established. Its funding came from the Municipality of Oslo and the Ministry of Social Affairs (Smette 2003). Emergency housing was a central part of the service in its early phase. The police were active in establishing contact between the service providers and possible users of their services in the early years, before the Pro Centre established their own outreach work (Jessen and Frigstad 1988). Health promotion and services later became a much more important part of the work of the Pro Centre. Today, the Pro Centre organises a drop-in centre, health centre and outreach work in Oslo. It has also been a national centre of expertise on prostitution since 1993. In 2011 they had contact with 1,218 individuals involved in prostitution on the street and indoors (the Pro Centre 2012). The three largest users of their services were that year Nigerians (503), Norwegians (224) and Thai (205).

The Church City Mission is also a central service provider for people involved in prostitution in Oslo where it both organises a shelter for women in prostitution[8] and Nadheim, where a unit was started in 1982 organising counselling, help to exit, a drop-in centre and outreach work in street prostitution and indoors. The Church City Mission has also set up targeted services in Bergen and Stavanger, and both of these offer a place to meet and counselling, in addition to harm-reductive outreach work. To some degree, the Church City Mission in Trondheim also targets people who sell sex. Municipal services exist also in Bergen and Kristiansand, and in Trondheim, a municipal project targeting female drug-users also relate to prostitution, SUBrosa. There have been some evaluations of these services, e.g. of the Pro Centre in 1993/94 (described in Oslo kommune 2008) and of the shelter hosted by the Church City Mission in Oslo in 1997 (Haaland 1997).

There has never been a White Paper or national action plan describing what social policies to apply to prostitution in Norway. In 1992, the Norwegian Ministry of Social Affairs issued a brochure on prostitution and social work targeting social workers in GOs and NGO sectors working with the topic, among other things, representing recent research (Jessen 1992). Overall, services offered in Norway are based on a harm-reduction model with an emphasis on offering health case and distribute prophylactics. Social and legal counselling is available when needed, and so are various language and skills training schemes.

As in Denmark, more and more of the social work on prostitution in Norway is formulated in terms of trafficking or has mandates from the national plan of action on trafficking. The event of concerns over trafficking has thoroughly changed how the problem of prostitution is defined. The various social service providers targeting prostitution also come into contact with possible victims of trafficking, and as such they are instructed to work towards identifying cases and offer assistance. Possible victims of trafficking are awarded certain rights, such as a legal stay in Norway in the form of a reflection period, providing they are willing to receive assistance from these service providers or police. The service providers write a report on behalf of the applicant to the reflection period stating the level of contact they have had with the person (Brunovskis, Skilbrei and Tveit 2010). A wide range of services are provided for assumed victims of trafficking by various NGOs, particularly the Secretariat of the Women’s Shelters, but also

Red Cross, the Church City Mission and the Salvation Army. The number of potential victims of trafficking receiving any form of assistance in 2011 was 274 (the Police Directorate 2012:27). The absolute majority of identified possible victims of trafficking in Norway in recent years have been Nigerians, they constituted 108 of the 274 receiving services in 2011, and 187 of the 274 cases involved trafficking for prostitution purposes (ibid: 30).

In Sweden, the political and public debate on prostitution was initially influenced by a liberal approach during the 1960s and early 1970s. However, during the same time period, a perspective moving away from the individualistic approach was emerging in Sweden. In 1971, the Swedish government initiated an investigation of the legalisation concerning sex-related crimes. Issues of central concern were the age of consent in relation to homosexuality, the prohibition of incest and the penalty for procuring (Persson 1981: 12). The White Paper was published in 1976, suggesting softening of the penalties (SOU 1976: 9).[9] Even though the directives for the investigation presented an emerging liberal approach to issues concerning sexuality, the suggestions presented in the White Paper were met by severe criticism. In the consultation papers of the White Paper several institutions and organisations expressed strong negative reactions, explicitly referring to arguments from the women's movement (ibid: 79). Parallel to the debate concerning sexual liberalism, there was an emerging social-political approach to the question of prostitution.

In the late 1970s social work aimed at helping women to exit prostitution was starting to emerge in the bigger cities of Sweden – Malmö, Gothenburg and Stockholm. The background for targeting prostitution through social work was an emerging and explicit welfare approach to prostitution, focusing on structural factors, such as gender and class, rather than individual, when trying to understand prostitution. The starting point for this emerging structural approach was the Malmö project mentioned in Chapter 4, a social work project initiated by the Municipality of Malmö. The research team within this project, which initially targeted organised crime in nightclubs in Malmö, soon started to pay attention to the social interaction and transactions within these contexts, focusing mainly on the conditions in prostitution. Two dissertations were eventually produced within the project (Månsson 1981, Larsson 1983). The Malmö project produced influential knowledge concerning the conditions within

prostitution in Sweden. This knowledge has had great impact on policy development, implementation of policies and the organisation of social work targeting prostitution in Sweden in the following decades. The research was also early on disseminated to Norwegian researchers, politicians and the general public through a series of newspaper articles (Skilbrei 2012b), and must have influenced the subsequent initiation of social work and research also in Norway.[10]

The results that came out of the project in Sweden soon lead to a White Paper aimed at investigating the conditions within prostitution in Sweden at the time (Borg et al. 1981). The committee awoke a vivid and long-lived debate concerning prostitution policies in Sweden. Criminal justice policies targeting prostitution were discussed, but the main focus was on social policies, based on the assumption that prostitution is, first and foremost, to be understood from a structural perspective, as a social problem caused by structural factors (ibid.).

Debates concerning social welfare policies and criminal justice policies in relation to prostitution have been and still are of great public concern in Sweden. A White Paper on prostitution that was to become significant for the future development of understandings and regulations of prostitution, was commissioned during the 1990s (SOU 1995a). During this period another White Paper was commissioned, dealing with domestic violence (SOU 1995b). Taken together these two White Papers eventually lead to a government Bill entitled Kvinnofrid (Women's Peace), proposing legal changes within the area of gender relations to increase the legal protection of women in Swedish society.[11] Within this context, prostitution was of central concern (Propostition 1997/98: 55). Gender had been an important framework for understanding prostitution for a long time at that point. With this, prostitution was formulated not only as a gendered phenomenon and as something that existed due to gender inequality, but it was also something said to threaten gender equality in society at large. In addition, prostitution was clearly associated with sexual violence, and later equated with it.

Swedish targeted social work is today organised within the municipalities of Stockholm, Gothenburg and Malmö. Agencies have been offering social services to people in prostitution in Sweden since the end of the 1970s and have common overall aims. The agencies of today are all organised within the framework of the social services in their municipality and their tasks are multifaceted, working on several different levels.

In 2007 the Swedish Government issued an action plan concerning prostitution and human trafficking (The Ministry of Integration and Equality 2007: 167). One of the aims of the plan was to evaluate and develop social work that targets prostitution. On the one hand, the evaluation of the social work of the three prostitution groups concludes that the organisations have several ambitions, goals and measures in common; They have the ambition to contribute to a decrease in prostitution in Sweden and are in charge of producing updated knowledge concerning their area, but also of continuously following the developments on the street, in hotels, bars and on the Internet. In addition, the units are in charge of coordinating and developing cooperative work involving other authorities and NGOs in cases of trafficking. The three units are expected to offer people help and support in order to find alternatives to prostitution. The units conduct outreach work, mainly in street prostitution, but also in other settings and on the Internet. Buyers of sexual services are included as a target group for the prostitution units. The units are also offering information and support to professionals within their municipality (Åkerman and Svedin 2012: 6). On the other hand, the evaluation emphasises differences concerning the ways in which the social work is being organised and singles out some difficulties that the units face. One problem is that the units mainly reach people in the cities Stockholm, Gothenburg or Malmö, which means that people outside these areas are not guaranteed the same support as people in these cities. Another problem discussed in the evaluation is that the commerce of sex through the Internet is increasing and the activities within this area are less visible than street prostitution. This development challenges the organisation and tradition of the units' social work (ibid.). The evaluation also criticises the way in which the prostitution units keep records, and suggest a more systematic and uniform way of record-keeping, (ibid: 8). During the last decade the three agencies have been developing somewhat differing approaches to social interventions targeting prostitution. From being mainly focused on women's exit, based on a zero tolerance approach to prostitution, one of the agencies has been developing an explicit harm-reduction approach. Their main argument for developing a harm-reductionist approach is that it facilitates contacts with people who might be in need of support. These diverging perspectives on how to organise and offer social services have been and still are debated in Sweden, within as well as outside the context of social work.

Especially so, since the social services and the social policies in Sweden are closely connected to the prohibition of the purchase of sex. Sweden's Sex Purchase Act has gained a lot of attention, but as Ola Florin contends (2012) the Law was not meant to reach the goal of abolishing prostitution by itself. The Law was rather normative, focusing on changing people's attitudes concerning prostitution. It was also meant to work as a complement to social work, focusing on exit. The Government Bill that introduced the ban on the purchase of sex did not at the same time award sex-sellers the right to the assistance necessary to exit prostitution, and the National Board of Health and Welfare the tools to standardise services that are offered (Florin 2012).

Finland removed its provisions designed to control the sale and purchase of sex directly in the Vagrancy Act 1986, but both in 1986 and later the question of how to best approach prostitution and whether or not to regulate it through the use of the Penal Code was debated. Persons who sell sex were defined as in need of assistance (Kimpimäki 1999), but prostitution was not considered a serious social problem (Järvinen 1993). Järvinen argues that prostitution was approached as something to do with gender and sexual politics during the 1980s and exemplifies this with the publication of a governmental committee report on prostitution in 1986 (1993: 616). Up till that time, prostitution was approached as a public health problem, a socio-political problem reflecting poverty and best met with the Vagrancy Act, a public order problem also managed as vagrancy, and as a problem to do with youth (Järvinen 1993). As in the other Nordic countries prostitution was, on an individual level, explained by social and economic marginalisation (Holli 2004).

In the period when selling sex was still regulated through the Vagrancy Act in Finland, persons involved in prostitution had to report to welfare officers; prostitution was only illegal if one did not register. When this system was abolished in 1986, the contact point between social work and prostitution also disappeared, something which by the end of the 1980s was considered a problem.[12] This was one of the reasons why targeted social work was discussed and ended with the establishment of Pro-tukipiste in 1990. In the early years, their services were only available in Helsinki, but the organisation is now also working in Tampere. The Pro-tukipiste performs outreach work online and in street prostitution milieus, and it offer drop-in services to people involved in prostitution in its premises which is

situated close to areas where street prostitution takes place. Women, men and trans persons can use the drop-in service. The organisation also does outreach work directed at men and trans persons in Tampere. Pro-tukipiste focus on both social and health care services and these are based on a harm-reduction model, and are thus not making assistance dependent on a willingness to exit. Pro-tukipiste's funding comes from RAY, which is the Finnish Money Slot Machine Association, the Ministry of Health and Social Affairs and the cities of Helsinki and Tampere. Since 2008, a NGO called EXIT pois prostituutiosta has worked on preventing prostitution debut amongst youth as well as facilitating exit from prostitution for youth. Also, other organisations that are not targeting prostitution specifically are involved in service provision to people involved in prostitution, such as Monika-naiset, Brottsofferjouren, Våldtäktskriscentralen and Förbundet för mödra- och skyddshem.

Also in Iceland offering social services to people involved in prostitution is deemed necessary and legitimate. There is, however, only one organisation, Stigamot, that explicitly targets prostitution and offers support to women in prostitution (Atlason and Gudmundsdottir 2008). Stigamot is a nonprofit organisation targeting victims of gender-based violence, and people in prostitution constitute one of their target groups. The organisation offers premises where people can come and talk and get support, and also offers a counselling phone service (Stigamot 2008). It is in addition possible for women involved in prostitution to receive assistance in Kvindernes krisesenter, a shelter for battered women, and through Konukot, a shelter for women. Even though Stigamot and other organisations work with women in prostitution, Atlason and Gudmunsdottir (2008:198) argue that they are few and that there is a need for more general knowledge concerning the group and also more elaborated social services targeting prostitution directly. The situation in Iceland is different than that of the other Nordic countries in many respects, as already described in Chapter 3: It is an open question how much prostitution there is in Iceland and where it is performed..

Social work services in the Nordic countries cooperate through the Nordic Network on Prostitution. The organisations involved take turns organising an annual Nordic conference wherein challenges and experiences are shared and discussed. The conference is also open to others, and the conference will typically include social workers, individuals who

sell sex, representatives from sex workers' rights organisations, researchers and governmental representatives.

Governance Through Social Work and Health Services

Since the 1970s social work has played an important role in the Nordic countries, and has in most areas by far been the main policy instrument applied to prostitution. This can be understood as part of a development of neo-liberal forms of governance, whereby techniques of indirect control take over from more directly state-induced interventions, as described in Chapter 2. We have seen a shift in how and at what level the self is governed by the state or agents the state has 'outsourced' regulation to. From the 1980s onwards social work in the Nordic countries has indeed changed in a way that is not indicative of less control over people who sell sex, but a different form of control. As social work has received little attention in prostitution research, the values, ideologies and governance of such social work is under-explored. It is evident that Nordic prostitution policies are negotiating issues of tolerance, whereby important questions arise as to the relationship between the harm-reduction model as it is applied in social work, and the zero-tolerance approach applied through criminal law and legislation. This is particularly evident in Sweden where social workers feel obliged to not apply harm-reductive social and health work such as handing out condoms, so as to not counteract the zero-tolerance approach of the law (Florin 2012). Also, others interpret "harm-reduction" in a particular way and there has been some intra-Nordic controversies over what is signaled by different approaches in social work. Most notably, Marjut Jyrkinen writes: 'Harm reduction policies hold that the need for and existence of prostitution is "inevitable", and they aim at diminishing the undesirable side-effects of the phenomena' (2005: 111). Here she interprets harm-reduction as a part of a functionalist approach to prostitution wherein prostitution itself is not considered problematic. It varies throughout the region whether social work agencies actively work based on a harm-reductive ideology and methodology. As mentioned, Norwegian social work has, for many years, explicitly done so. Both the Pro Centre and the Church City Mission explicitly work with

harmreduction. While Swedish social workers are hesitant to apply harm-reduction, this is a very strong approach in Finland.

Ideologies in social work are not static, they change over time. We have for example seen a development where Swedish social workers are more open than before towards harm-reduction. While in Norway, the opposite may be the case: The Norwegian Pro Centre describes how public debate and governmental policies are currently increasingly prioritising exit programmes over harmreduction programmes (the Pro Centre 2012).

The fact is that the national welfare approaches in the region are not homogeneous. Conflicting signals are sent as to what the problem with prostitution is. Through a reading of the Danish White Paper "A different life",[13] Jeanett Bjønness (2012) concluded that Danish prostitution policies today are aimed at individual assistance to exit. She further contends that there is a lack of a coherent structural perspective placing the issue of prostitution within larger societal concerns over social justice. This is in line with Margaretha Järvinen's analysis from 1991 when she described the Danish approach to prostitution as a de facto functionalist one: There was not a drive towards actively working against the phenomenon; rather the focus was on assisting individuals who for different reasons had problems or problematic experiences. The explanations and reasons for prostitution were individualised, and the approach could simultaneously focus on prostitution as a public order problem. If performed in certain ways and in certain places, there was not believed to be anything wrong with prostitution.

To shed light on how these shifts took place in the Nordic countries, we can look to what constellations were important in other contexts. Joanna Phoenix and Sarah Oerton (2005: 85) note that prostitution was only defined as a social problem in the UK with the consultation document *Paying the Price*, issued in 2004. Prostitution was in this both defined as a problem for people selling sex and for affected communities. Phoenix and Oerton argue that this shift was made possible by changes in how prostitution was increasingly regulated through: '"welfarist" constellation of organizations, projects and multi-agency teams that sought to minimize the "harm" (and therefore the effects) of prostitution through sexual health and drugs education and outreach work' (2005: 86). That prostitution increasingly comes to be considered problematic, both due to the assumed effects on individuals and communities and a definition of it as a problem

itself, is also described for other European cases (Duarte 2012, Pates 2012). Phoenix and Oerton (2005) link this to the application of an abolitionist framework whereby normalisation of prostitution becomes defined as a problem. Fear of the “normalisation” of prostitution has been a valid argument in Nordic debates on prostitution for several decades, and concerns over such a development is also relevant to how social work is perceived and performed. This fear of normalisation has to be understood in relation to the specific Nordic context. As prostitution is defined as caused by, among other things, inequality, its existence evidence lackings in the Welfare State, wherein an egalitarian social policy striving for low income inequality, low poverty rates and small differences in levels of living and gender equality, has been of central concern (Kautto et al. 2001: 6).[14]

The fact that social work in the region is targeted specifically to assist people involved in prostitution cannot go uncommented. It might as well have been the case that the health and social needs of people involved in prostitution were met with general health and social provisions and institutions. This is not unrelated to ideas of persons and governance. Barbara Cruikshank asks the questions: ‘How did “the poor” become a group with a shared set of problems and interests? How did “the poor” become an object of governmental policy? Why were people willing to define themselves and organize around being “poor” rather than or in addition to race and class? In our case, how did “the prostitutes” become a group seen and seeing themselves as a group with common needs?’ (1999: 76).

When looking into Nordic social work agendas it is also relevant to ask what place and roles are available for health workers. There is a long history of applying a public health perspective on prostitution in an attempt to regulate prostitution in a way that prevents people in prostitution from being a source of disease that could be spread to society at large, particularly of sexuallytransmitted infections. Concerns over STIs and the consequences for society continued to be central to how Nordic societies approached prostitution after the end of the regulationist period. Health continues to be a main focus today, while what is meant by this, differs. Helen Ward and Sophie Day warn against health provisions to people in prostitution defined in a narrow way: ‘Where accessible services exist, they often focus narrowly on infection risk and ignore the broader range of health issues linked to sex work, including the results or violence and

stigma' (2004a: 11). McKeganey and Barnard (1996) argue that health services have overemphasised the need for help with sexual health among women who sell sex, and should instead focus on health in a broader sense, not least because female sex-sellers are vulnerable to violence. There is seemingly a danger of needs being defined too narrowly by what is seen as central to prostitution: the sex itself.

As described above, health concerns in the nineteenth century meant that the general prohibition against prostitution had to give way to more pragmatic measures like health checks and a de facto toleration of prostitution. In the late 1980s and beginning of the 1990s, HIV/AIDS presented authorities with similar challenges, and early on prostitution was expected to be central to the spread of the disease (Ward and Day 2004a, Skilbrei 2012b).

The fear of prostitution markets becoming a hub in the spread of HIV/AIDS did not lead to similar shifts in the regulation of prostitution, even though there were people who asked for it. Instead, this contributed to the later importance of empowerment in the form of self-help and harmreduction. In several countries HIV/AIDS was also the start of peer-education group, empowerment schemes and forms of harm-reduction that led to the establishment of sex workers' rights organisations (Alexander 1996, Skilbrei 2001, Phoenix 2008). The Norwegian sex workers' rights organisation, PION, was established in the wake of an empowerment project set up for health promotion reasons (Skilbrei 2001).

Phoenix and Oerton (2005: 87) describe that in the case of the UK, prostitution was defined as a problem of public sexual health at the same time as HIV/AIDS became important. At this time, NGOs started to act on behalf of the government in setting up health-related services. These were run by harm-reduction strategies that made services available to people involved in prostitution. These can, on the one hand, be viewed as normalising, as harmreduction might be seen as stemming from a different ideology than exit programmes. On the other hand, one can view these services as yet another way of symbolically defining women selling sex as a threat and as significantly different from other women. But this shift did more than have these symbolic effects. These agencies were also delegated the task of monitoring women involved in prostitution, something that in the UK (Phoenix 2008) and in the Nordic countries is now a very central

part of social work agencies (Skilbrei 2012b). A description based on an analysis of the UK case may be equally true of the Nordic cases:

> a linear narrative of the prostitute as a victim of violence, drug abuse and poverty constructs the 'prostitute' as a partial subject/object who has limited agency and could (should) therefore be subject to welfare treatment rather than criminal enforcement, as well as a partial subject that neo-liberal modes of governance can act upon in order that she can be responsibilized towards exit. (Scoular and O'Neill 2007: 774)

The setting-up of a range of services that actively sought out women who might be in need of services or that the state, for control reasons, needed an overview of, has also meant an increase in interventions into the lives of women involved in prostitution. Some are more able to protect themselves against this intervention than others, depending on their location and status. In the Nordic countries, as elsewhere, women involved in indoor prostitution have been less accessible for both social work and police interventions, and throughout the region, the prostitution that counts, i.e. the prostitution that is monitored and counted, is predominantly the one involving women on the streets.

A central aspect of the organisation of health and social work directed at persons who sell sexual services, is that state and municipal bodies are not alone in delivering these services. The fact that the state delegates tasks and responsibilities to NGOs has to be understood in light of greater societal changes, and as a manifestation of neo-liberal governmentality. Not only is how the state delegates government 'downwards' included in this, but also how the state delegates government 'upwards' through signing and ratifying international conventions on more and more areas of social life. Through this, the state binds itself to problem definitions and solutions defined elsewhere than at the level of the nation-state. The delegation of government 'downwards' to civil society actors, and 'upwards' to the international level, can on the one hand be seen as evidence of a "retreat of the state" (Strange 1996), and on the other hand as a prolongation of government (Phoenix and Oerton 2005). In any respect, this needs to be analysed as a transformation of the relation between state and civil society actors. Social work agencies have become a force to be reckoned with in Nordic policy debates. NGOs working with people in prostitution have increasingly participated in public debates on what policies to apply, and

the basis of their claim to legitimacy in these debates is the claim that they speak on behalf of women in prostitution (Bjønness 2012).

While targeted social work was established from the late 1970s and onwards in the region, social work agendas and agencies have been consolidated in the decades since. This is in line with the trajectory of social work generally, with increasing professionalisation and expansion (Skilbrei 2012b). How social work is actually performed does not often get the attention it needs in the literature on prostitution policies (Elleschild 2011, Wagenaar and Altink 2012). Generally speaking it is important to state that these practices rely on many factors. How social work is practiced depends on what kinds of organisation perform the services: what other kinds of phenomena are they working on, what ideologies or beliefs influence what their priorities are, and on how the work interplays with local police, local government and lobbies, as well as with other social work agencies targeting the same group.

To understand how social welfare policies take part in regulating the phenomenon of prostitution it is necessary to look into what comes into sight through this and what does not. As mentioned in Chapter 4, the fact that much knowledge-production took social work projects and social work agendas as a starting point, means that knowledge was produced based on a particular parts of the population of people selling sex; the ones who contacted or were contacted by social workers. A lot of the prostitution taking place in other arenas than street prostitution disappeared from view. The same goes for prostitution where men sell sex. Social work agencies in the region have to a very high degree prioritised women who sell sex. Social workers have several times pointed to the lack of interest in male prostitution (Solevåg and Isachsen 1993, Bjørndahl 2010).

Over the last ten years, the Nordic countries have been particularly alert to the issue of human trafficking for prostitution. Together with other concerns, the issue of trafficking has also placed prostitution itself high on the political agenda, creating the impression that prostitution policies need to change due to substantial changes in how it is organised (Jahnsen 2008, Skilbrei 2012b). An illustrative example of this is the Swedish action plan against prostitution and human trafficking presented in 2008. A great deal of the material being produced within this context deals with the question of human trafficking for sexual purposes (the Swedish National Council for Crime Prevention 2011). A central objective in the action plan is also to

strengthen the legal measures combating prostitution and trafficking in Sweden (ibid.). In relation to the action plan, cooperation with several different authorities was established through a national network aimed at developing methods to work with. However, the evaluation of the action plan (ibid) shows that the social agencies targeting prostitution found that the national network was mainly focusing on human trafficking, not giving room for alternative measures to work with. When cooperating with the police in specific cases, the social agencies had the experience that the police-work around interventions and measures was mainly targeting human trafficking, while social work was not prioritised (ibid:34).[15] This is observable also in other contexts; in anti-trafficking work, the criminal justice approach is given priority over welfare and human rights concerns, both at supra-national levels and national (Aradau 2008, Skilbrei 2012a).

Diversification in the Nordic Region

In the last ten years, research on prostitution has increased dramatically, not least because of growing concerns over human trafficking for prostitution. Health and social services to persons selling sex, including victims of trafficking for prostitution, have not been prioritised in the current research agenda. We therefore lack research-based knowledge not only on how health and social services are formulated and implemented, but also on the effects and consequences of this design and implementation, and the relationship between services offered and services needed. European policies on prostitution, including social welfare policies, are going through rapid changes and an increasing diversification; and yet, few researchers are paying attention to this. With striking changes in European prostitution markets, in the form of increasing internationalisation and shifts between different arenas, the needs of persons involved in prostitution change accordingly. This makes the current knowledge gap even more problematic. What are the needs of different individuals and groups in prostitution, and how can the health-related and social services best be equipped to meet these needs? Persons in prostitution are generally at a high risk of adverse health outcomes, while at the same time, there is evidence of social, institutional and individual barriers to accessing healthcare (Day 2007). Health services have been important in themselves, but also served as a way

for social workers to make contact with people involved in prostitution in order to address other needs (Skilbrei and Renland 2008), and vice versa. Health and social services in this field are therefore inextricably bound together.

Not much is known about the distribution of access to healthcare between different groups in prostitution. The indoors market is less accessible than street prostitution to health workers. And given that few health services are specifically tailored towards reaching men and trans persons in prostitution, even less is known both about their potential needs and how, or to what extent, these are covered. Further, persons in prostitution in the Nordic countries come from several different countries and regions with different expectations and uses of health services. A look into who is reached by social welfare policies and what these are and how they are applied is necessary.

Who is approached by targeted social and health services in the Nordic countries? There is evidence of boys and men selling sex throughout the Nordic region, but most service providers do not approach the milieus where such prostitution takes place (Petterson and Tiby 2003, Siring 2008, Marttila 2008, Florin 2012, Skilbrei 2012b). It is also the case that services, for a long time only or most systematically, were offered to women in street prostitution. There are some examples of social work directed at boys and men who sell sex. In Norway, this is first and foremost a trial project at the Pro Centre in 1991 and 1992, and a project organised by the Church City Mission in Bergen in 1999–2001; "Felixprosjektet" (Bjørndahl 2010). But also today, the Pro Centre works at reaching men in prostitution, and in 2011 they established the project Pro Mann (the Pro Centre 2012). Additionally, the project SUBrosa in Trondheim offers services to men. The Danish project "Trækkerdrengprosjektet" existed for three years around 1990, and the later PAF (Prostitution af fyre) also targeted men in Copenhagen involved in prostitution (Solevåg and Isachsen 1993).

It also varies between and within the countries whether foreign nationals are sought out and offered assistance by social workers. In recent years, social work agencies have developed their methods to better access off-street venues where foreign women operate, by the use of peer educators and cultural mediators, as well as with translated materials.

Often, services are set up only in the largest cities, even though prostitution is identified also elsewhere (Florin 2012). In Norway, targeted

health and social services are offered in Oslo, Bergen, Trondheim and Stavanger, while male and female sex-sellers are also reached though outreach work in drug-milieus also in Trondheim. Sweden offer targeted services in Stockholm, Gothenburg and Malmö. Danish social and health services are more decentralised, and offered in Copenhagen, Velje, Århus, and Odense. In Finland, the only general service is provided by the NGO Pro-tukipiste, and only in Helsinki and Tampere.

Questions of gender, sexuality, arena and place is thus relevant to bring in when looking into both who are offered assistance, who are subject to control and who are counted and thus represented in knowledge production.

An important question is what kind of services we can assume that people involved in prostitution actually need. The international literature on prostitution rarely deals directly with this question, but rather states a need for services. Jane Pitcher (2006: 236) has compiled a list of support needs based on earlier research; persons in prostitution get support in relation to violence, substance abuse, homelessness, low self-esteem, harassment from police and locals, the criminal justice system and in accessing welfare services. A review performed by the National Board of Health and Welfare in Sweden (2008) concludes that there is no evidence of some means being better suited to help people exit prostitution than others. This question becomes explicitly important in cases with women from abroad, going back and forth between the Nordic countries and other countries. The needs among these women do not seem to correspond to the social services that are being offered in Sweden, for example. A woman from an Eastern European country might not need therapy or, yet again, to hear from a Swedish social worker that “You should not be here!” when meeting her in the street. An ongoing interview study (Holmström, Månsson and Skilbrei forthcoming) shows that a woman like that might instead express a need for finding a job, information about her rights and help to find better housing. Health and social services in the prostitution field were originally designed particularly with Nordic street prostitution in mind, established in response to contemporary concerns over drug-use, violence and youth on the street (Finstad et al. 1981).

Throughout the last 30 years and today there are some important differences in what services are given priority in the Nordic countries. This seems to reflect differences in the approach to prostitution and people involved in it. The social services that are being offered in Sweden are to a

great extent directed at encouraging women and men to exit prostitution (SOU 2010).[16] In Denmark, Finland and Norway, social work targeting people selling sex have harmreduction as a starting point, arguing for the importance of taking the explicit needs of people selling sex at face value rather than promoting exit from prostitution. This includes handling out condoms and lubricants and offering free medical assistance to people selling sex. Such harm-reduction strategies are described as problematic in a Swedish context where social workers feel an obligation not to facilitate, and thus promote, prostitution (Florin 2012). In the last years, the introduction of prohibitions against buying sexual services has influenced how social work is argued for and operates. In Sweden, Finland and Norway it was explicitly stated that the law criminalising the purchase of sexual services had to be accompanied by social initiatives to support persons who wanted to/had to exit prostitution because the law would affect the lives of people selling sex negatively (Skarstein 2008).

Jane Pitcher (2006) deems ideologies in relation to prostitution pivotal to how services are formulated and performed. This is evident in the Nordic context, where much is at stake in how social work is designed in terms of whether it counter-acts the signal sent by criminal justice or not. It is further relevant to ask who is doing the service-providing and how combinations of professions in social agencies influence their agendas and methods. Marlene Spanger (2008) conveys how the field in Denmark was increasingly marked by an influx of academics around 2000 and that this lead to a division between the social work and the related knowledge production.

In addition to services targeting people involved in prostitution, people who sell sex also get different forms of assistance and aid through general welfare and health services. Most people who sell sex may not have any need for their general practitioner or welfare officer to know about the prostitution, while others might have received better help if they had been candid about selling sex. The problem with disclosing prostitution to service providers outside the realm of prostitution service provision is the fear of stigma and subsequent discrimination from health and social service providers (Day 2007, Hafskjold 2009). Experience with prostitution is also something that service and health service providers are hesitant to ask about or deal with if informed (Bjønness 2012). Targeted services have been set up exactly because women involved in prostitution report having problems

accessing social and health services aimed at the general public (Pitcher 2006).

As described above, a concern in the Nordic countries is the relationship between criminal justice policies on prostitution and the social policy agenda: Can the government send mixed signals by criminalising the purchase of sex, while at the same time facilitating prostitution by outreach work with a focus on harm-reduction? Also, in other countries, this can be seen as a perceived conflict (on the UK context, see Phoenix and Oerton 2005). Prostitution and the parties involved in it are not regulated by legal measures alone. Instead of being an object of law, the seller has increasingly been met with social interventions aimed at assistance and harm-reduction. In a Nordic setting, defining women selling sex as a target group for social interventions builds on a redefinition of prostitution as a relation whereby the seller is not voluntary involved, as described earlier, but rather is a victim. Prieur pointed to a possible development in the future in the Scandinavian countries in 1985: 'There is a clear connection between being seen as respectable clients within the framework of social services and to be seen as victims within the framework of criminal justice systems' (Prieur 1985: 9). The criminalisation of clients and the targeting of people selling sex through social work thus can be seen as two sides of a coin.

When exploring the targeted services offered to people involved in prostitution it is also relevant to look at how other phenomena are approached and what other ways of regulating prostitution are at play. As described in the case of both Finland and Iceland, women involved in prostitution are also offered services through NGOs that work with women's issues more generally or with the issue of women who are victims of violence. The coupling of services to women involved in prostitution with services to victims of trafficking, rape and domestic violence, gives evidence to what kind of frames prostitution is placed within. In a radical feminist definition of prostitution, it is placed alongside various crimes against women, and this coupling has been central in how criminalisation of the purchase of sex was argued for in Sweden and Norway (Skilbrei 2012b).

It is not only in the Nordic countries that policing has been complemented with social work. Hester (2009) reports a shift towards a welfare approach in the UK, but the question is what kind of demands are put upon the users of these services. Are they only awarded to people who

are willing to exit and thus rehabilitate, creating a situation where rehabilitation is compulsory as Carline (2011a: 141) describe in the case of the UK.

Phoenix and Oerton (2005: 91) describe how in the UK the problem of prostitution has been redefined in a way that takes the focus away from material and social reasons for prostitution, and instead puts the blame of prostitution on relationships between the agents directly involved in prostitution, thus individualising the responsibility for prostitution, like Bjønness describe for the Danish context (2012). This may have been what opened up new social agendas in the UK, coupling assistance with punitive measures.

There are reasons to be concerned with the risk that policing and social work are conflated so that social workers more and more are delegated the task of monitoring prostitution markets and making sure that prostitution is going on in forms that are not too troubling to the general public (see e.g., Phoenix 2008). Roger Matthews (2005) describes how vice had a low status and priority in the UK police, and that this meant that they welcomed the growth in social agencies that could take over parts of the regulation of the phenomenon.

As described in Chapter 4, knowledge-production has been central in how prostitution has been reformulated as an issue for social welfare policies and criminal justice policies. The Nordic research from the late 1970s onwards was able to establish particular understandings of what prostitution is and what consequences it has. Influenced by this, women selling sex were increasingly seen as not to blame for prostitution. In the various contexts, this contrasts how women involved in prostitution were presented previously (Skilbrei 2012b). How clients were represented in this research is a more complex issue. On the one hand, their reasons and situations emerged as more complex than the previous functionalist approaches allowed for. They were no longer seen as only buying sex because they wanted more sex than they could get for free; buying sex was also linked to men's vulnerabilities and emotions. Research classified different types of clients based on why they bought sex, something Kulick (2005) has argued pathologised the clients and set them apart from other men.

On the other hand, the shift of responsibility for prostitution from the sellers to the buyers of sex was also made by how the clients were

described as more resourceful and powerful than the women who sold sex. They were the ones who were able to end their involvement in prostitution; they had a choice that the women selling sex did not. Steps were also taken to attach stigma to the act of purchasing sex. In retrospect, Cecilie Høigård says in an interview on why and how this was done:

> At that time, no one spoke of the buyer of sex. He didn't exist and didn't either have a term in the Norwegian language. So we just sat down, me and some others, and made the term 'whore customer'. Of course it sounds stigmatising, but that was also partly the point. We wanted to shift the stigma from the seller to the buyer. I am not happy about stigma, but it was a good thing to tell those men something about what they are doing.[17] (Nickelsen 2004) Høigård goes on to modify, or rather to emphasise that shifting the blame and shame from one group to another does not exclude sympathy with individuals: 'But I also speak with warmth and empathy about whore customers. People ask me how that is possible when I am so much against prostitution. But, you know, most whore customers who buy sex in Oslo are irresolute, nice men with sad stories' (Nickelsen 2004).[18] This approach does not discard clients in prostitution altogether as a belief in the individual's ability to change constitutes the backbone in forms of 'reintegrative shaming' (Makkai and Braithwaite 1994).[19]

As clients come more into focus in politics and research in the Nordic countries, it also became relevant to discuss whether one should also include clients in the social provisions set up to combat prostitution. It is so far only in Norway and Sweden that this has been institutionalised, with the establishment of health services and counselling for men who buy sex, in the form of KAST. The acronym stems from "purchasers of sexual services"[20] and the service first started up in 1997 and now has offices in Stockholm, Gothenburg and Malmö. The services builds on the earlier "Men's project"[21] that started up in Gothenburg in 1989 and had as their prime function to map characteristics of men who buy sex (Sandell et al. 1996, Smette 2003). The establishment of services in Sweden builds on a particular view of the purchase, as a question of individual social and psychological problems, problems that lead to prostitution and follow from it (Kuosmanen 1998). Understanding prostitution as something that is also problematic for men who buy sex seems paradoxical in light of a widespread definition of prostitution as an expression of men's power over women or as a form of men's violence towards women.

In 2011, a KAST service was also started up in Oslo, Norway. KAST Norway builds on several previous attempts to approach men who buy sex. First the K project that ran for some months in 1989 as an attempt to discourage men who bought sex in street prostitution through engaging them in conversations about the nature of prostitution. Almost a decade

later, in 1997, a hotline for clients of prostitution was established.[22] This service met with a lot of criticism – not because people had comments on the work they did, but because the whole idea of offering assistance to men who buy sex was ridiculed and was said to normalise the act of buying sex – and only existed for nine months (Smette 2003, Oslo kommune 2008). All these three services; KAST, the K project and the hotline, had STI prevention as part of their mandate. Even though they also had an ambition to make clients or prospective clients problematise prostitution, they functioned as harm-reduction services. As one of the project participants in the K project, Liv Os Stølan, said of their paradoxical approach: 'Don't buy sex, but if you do, at least use a condom' (in Smette 2003: 190). Later, a website called sexhandel.no was established as a part of the Government's work against trafficking, where the act of buying sex was debated among men who bought sex but also others (Jahnsen 2008b). The aim of the service was, among other things, to make clients or prospective clients aware of the danger that the women they buy sex from are victims of trafficking (for more information on this website and its forum debates, see Jahnsen 2008b). The moral in this service was, to paraphrase Stølan above: 'Don't buy sex, but if you do, don't buy sex from a victim of trafficking.'

Also in Denmark, clients can receive counselling through the National Board of Social Services, which is also a provider of counselling and assistance to people involved in prostitution and to victims of trafficking. This is not promoted or discussed in the same way as the Swedish and Norwegian clients' services.

The services offered to clients cannot be seen as unrelated to the criminalization of the purchase of sex, and the services offered to clients in prostitution balance a fine line between normalization and pathologisation. Even though the blame for prostitution is meant to be redistributed by the legal revisions, from the sellers to the buyers of sex, the push towards exit simultaneously constructs the seller as someone who also has to change; not through punishment, but through rehabilitation. Sweden already prioritises and sometimes also mandates exit by clients who use these services.

Prostitution policies are manifestations of ideological differences and frictions. Today prostitution is defined as a social problem throughout the region. The reasons for prostitution are discussed in terms of structural, cultural and individual problems linked to gender norms, gender

inequalities, migration, marginalisation and class, while it varies how the different factors are given weight.

In the next chapter, we move on to the topic that throughout this book constitutes a red thread, but which will now be given a more comprehensive description and analysis; how prostitution is regulated though the application of criminal justice policies in the Nordic countries.

1 In Danish: ‘Prostitution er derimod både et udtryk for og årsak til social problemer, som bedst løses i det socialpolitiske regi.’

2 The regulation systems were abolished in Norway in 1888, Denmark in 1906, Finland in 1907 and in Sweden in 1918 (Jansdotter and Svanström 2007:20).

3 http://www.servicestyrelsen.dk/udsatte/prostitution/kompetencecenterprostitution

4 An organisation that runs meeting places and lodging houses for people in vulnerable situations such as being in prostitution, being homeless, having mental health problem, drug problems or other social problems. 20121023 http://www.redenkoebenhavn.dk/?pid=29&sub=24,20121023

5 http://svanegrupperne.dk/20121029

6 http://www.centermodmenneskehandel.dk/in-english/about-us/organisation20121023

7 http://www.centermodmenneskehandel.dk/in-english/about-us/initiatives

8 The shelter ‘Natthjemmet’ started up in 1989 and is a low-threshold service designed to offer care and to support the women in applying for other services (Oslo Kommune 2008).

9 For example in the case of procuring, culpability was suggested to apply only to people who professionally pandered or abused someone else’s temporary transactional sexual activity. It also suggested softening the penalty for procuring. Another suggestion concerned the removing of the crime of seduction of youth (mainly targeting youth prostitution) SOU 1976:9, p 13–14.

10 There were many contacts between Swedish and Norwegian researchers and social workers. The seminar “Sexuality and Control” was hosted by the University of Oslo in 1984, and in it central arguments from ongoing Nordic research were disseminated, some of which was not written up as articles or books until several years later. Support and contact between researchers in the Nordic countries are mentioned as an asset in several books on prostitution in the region (see e.g., Finstad et al. 1982: 8, Prieur and Taksdal 1989, Høigård and Finstad 1992).

11 For an overview of the Women’s Peace Bill, see Nordberg and NiemiKiesiläinen (2001).

12 This conclusion is based on information on the establishment of the Protukipiske given during a visit to the organisation in December 2012.

13 In Danish: ≪Et andet liv≫.

14 An illustrative example of the reasoning behind the specific Nordic approach to prostitution, and the fear of normalisation, is found in a dissertation written by Inghe and Inghe, wherein they argue that prostitution can be seen as a problem that still remains, and a problem that shows that the welfare state is yet incomplete (Inghe and Inghe 1967).

15 Åsa Yttergren (2012) contends that non-Swedes in prostitution are not secured gender-equality to the same extent as Swedes, as assistance and residence permits to victims of trafficking are not well enough developed.

16 Even though both men’s and women’s prostitution is the target for social work, women’s prostitution gains far more attention.

17 In Norwegian: ’På den tida var det aldri snakk om kjøperen av sex. Han eksisterte rett og slett ikke og hadde heller ikke noe navn i det norske språket. Så satte vi oss like godt ned, jeg og noen andre, og lagde ordet “horekunde”. Klart det lyder stigmatiserende, men det var jo noe av poenget. Vi ville snu stigma fra selgeren til kjøperen. Jeg er ikke glad for stigma, men det var bra å fortelle de mannfolka litt om hva det er de driver med.’

18 In Norwegian: “Men jeg snakker også med varme og innlevelse om horekunder. Folk spør meg om hvordan det er mulig, når jeg er så imot prostitusjon. Men du vet, de fleste horekunder som kjøper sex i Oslo, er tafatte, snille menn med såre historier.”

19 Also in Sweden, a derogatory term is used on clients in prostitution; “torsk”. While not equally derogatory as the Norwegian “horekunde”, it connotes that clients in prostitution are fooled or fools (Kuosmanen 1999:34).

20 In Swedish: “Köpare Av Sexuella Tjänster”.
21 In Swedish: ≪Mänsprojektet≫.
22 In Norwegian: ‘Opplysningstelefonen for menn som kjøper sex’.

Chapter 6

Regulating Prostitution through Criminal Justice Policies

As we have described in previous chapters, a central trait of debates on prostitution in the Nordic region in

recent decades has to do with how the responsibilities of buyers and sellers are redefined. Before the 1980s,

prostitution was not debated and when it was at all mentioned, a functionalist explanation was often applied. As

Professor Willy Martinussen in Norway said in 1967: prostitution exists because men are sexually frustrated. This

is no longer a legitimate interpretation of the reasons behind prostitution in the Nordic countries. Instead

prostitution has, in the last three decades, been explained by structural inequalities, norms on gender and

sexuality and individual, social, economic and psychological problems. The relationship between explanations on

different levels varies across time and space, and between different actors, but it is no longer possible to

authoritatively apply a functionalist rationale and to additionally argue that prostitution should continue to

exist because men need more sex than they can get for free. While women who sell sex traditionally have carried

both the responsibility for and shame from prostitution, actors have tried to shift this in the Nordic countries

by creating a greater focus on “the demand side” of prostitution.

Even though the attempts to shift the responsibility from sellers to buyers of sex is part of an international

trend manifesting itself, among other things, in John Schools (Bernstein 2007:138), the Nordic approach stands

somewhat in opposition to developments elsewhere. At least when taking as a starting point how Helen Ward and

Sophie Day describe European developments: ‘Arguments to treat sex work simply as a business, subject to normal

regulations of financing, profit, taxation and so forth have won support, in part because of the growing appeal

of free market principles at the end of the 20th century in Europe’ (2004a: 5).

The argument that prostitution is work and should be regulated as work has not gained ground in the Nordic

countries. Several activists and researchers in the Nordic countries have pointed to how prostitution constitutes

work in all or some senses of the word (Skilbrei 1998, Dodillet 2009), and sex workers’ rights organisations

state this point relentlessly, but to formally define prostitution as work, is not likely in the Nordic context.

In this chapter, we will present the current way prostitution is regulated by laws and by-laws in the Nordic

region. This involves how prostitution is regulated through the Penal Code in the form of

laws on the selling and buying sex and laws on third-party involvement such as pimping/procuring[1] and trafficking, through the Alien Act and by police by-laws and other ordinances regulating particular parts of the prostitution

market. We will describe how the current regime came about, and say something about what the legal situation

implies in terms of what kind of problem prostitution is defined to be. We will discuss how these laws influence

the prostitution market. As there is a large interest in the Swedish case in the international literature, we

will give our interpretation of the trajectory and consequences of the Swedish Sex Purchase Act particular

attention.

As already mentioned, the legal and rhetoric changes that have taken place in the region in recent decades do not

necessarily mean that the sellers are relieved of the de facto responsibility and of the stigma of prostitution,

and we will argue that how prostitution is actually approached in the Nordic countries speaks of ambivalences

towards women who sell sex. Among other things, prostitution is formally treated as work in some settings in the

Nordic countries. In some of the national contexts the act of selling sex is also, in specific cases, still

approached as a criminal act and as something disturbing public order (in the transnational prostitution context,

following the Alien Act in Finland and Sweden).

Ongoing Reconceptualisations of Prostitution

In this chapter we focus on how criminal law and other laws takes part in regulating the phenomenon of

prostitution and its agents in the Nordic countries. We argue that the ways in which the problem of prostitution

has been framed in the last ten years constitutes a reconceptualisation of the problem of prostitution, in all

the Nordic countries. From giving a prominent role to social work, the Nordic countries are now moving in the

direction of a juridification (Habermas 1984) of the prostitution issue. One side of juridification is a

normalisation of the addressing of social problems through the criminal justice system, a development evident in

the approach to prostitution in the Nordic countries. Prostitution is increasingly made an object of legal

regulation again after a period of decriminalisation and less focus on criminal justice policies. Another side to

such juridification is how national policy concerns more often are framed by international obligations. In this

case the UN Trafficking Protocol, which all of the Nordic countries have signed, and the Council of Europe

Convention on trafficking obliges the Nordic countries to certain perspectives and

priorities, e.g. by highlighting the need to undertake measures to limit demand for the services of victims of

trafficking. An important point in this context is the ease with which juridical definitions and perspectives

become hegemonic in the sense that knowledge and practices in other arenas are also colonised by these. In the

Nordic countries, several new criminal Acts have been introduced, and already existing legislation has been given

higher priority. This means for example that police officers work more actively to identify criminals, such as

clients, pimps/procurers and traffickers, in prostitution arenas, which also puts people who sell sex into a

legal category, as victims and witnesses. This makes them vulnerable to having their own crimes disclosed, such

as lack of legal residency or possession of drugs (Skilbrei 2012a).

We argue that the relationship between the state and the person selling sex changes when the contact activity

moves from social work to policing. When the problem with prostitution is increasingly defined as one of criminal

justice, we find that the focus of social work is also transformed; moving away from a focus on harm-reductive

strategies towards more effort being put into making women exit prostitution. Changes in social policies

influence their relations to criminal justice policies, and vice versa. As mentioned in the last chapter, at the

beginning of the existence of targeted social work in Norway, the police took part in establishing contact

between social workers and women in prostitution (Jessen and Frigstad 1988). This was possible because of a sense

of shared purpose, and the social workers did not risk their own legitimacy by cooperating with the police.

Still, a shared purpose and a shared understanding of how to approach the question of prostitution are of central

concern for social workers and police, and a prerequisite for cooperation. It also seems like the cooperative

work between the police and social workers functions in “clear” cases, such as cases of human trafficking wherein

the situation can be framed by criminal law, and when the people involved in it are entitled to specific support

and care from the immigration authorities, social services and health services. However, in most cases the

situations are not that clear, and who is entitled to what is much more blurred, a situation that also makes the

cooperative work between operative actors in the field highly complex.

An illustrative example of how the legal focus is furthermore reproduced is how knowledge about prostitution is

now being produced within a framework where the state perceives a need to know of the effects of the law or the

scope or boundaries of the law. Even though we state that there are similarities in how these processes play out

in the Nordic countries, we argue that juridification in the form of criminal justice approaches has marked the

countries in different ways, not least since laws in books are different from laws in action. Thus, this gives us

an opportunity to present a detailed analysis of the mutually constitutive interaction

between prostitution policies and their contexts in the Nordic countries.

A strong link between criminal justice policies and social welfare policies is a typical trait of crime

prevention in the Nordic countries, and so is how GOs and NGOs work together to prevent crime (Lappi-Seppälä and

Tonry 2011). These partnerships are not always formulated as crime prevention, but are in reality just that.

These alliances muddy the waters when studying prostitution policies, not least because we see changes in how

these relationships function and in the balance between different approaches. As mentioned earlier, the

regulationist approach taken towards prostitution in the nineteenth century throughout Europe was built on ideas

about personhood and state-citizen relations. The individual was seen as free to choose and the state intervened

as little as possible in people's lives. The conditions of poor people at the time, whether in factories, as

private servants or in prostitution, was something they were seen as choosing, and as something they would leave

if what was offered was not good enough. Ideas about personhood and the responsibilities of the State in the

Nordic countries today are very different, and in previous chapters we have pointed to how a great shift has

taken place in the willingness to define social phenomenon as social problems and to respond to them as that.

After a period of about 20 years of approaching prostitution mainly as a social problem: with decriminalisation

of the sale of sex and with changes in and limited use of the prohibitions against pimping and procuring, the

Nordic countries are increasingly approaching prostitution as a target of criminal justice policies. As

mentioned, this is both to do with more and different use of already-existing laws and with the introduction of

new laws. Our question then is whether this constitutes a continuation of the process started in the late 1970s

whereby prostitution was increasingly defined as a phenomenon in need of various forms of state intervention, or

if we can see this as the emergence of a novel approach to prostitution, one that in the end will lead to an end

of the era of a social approach, as it only reduces social services to a support system of the criminal justice

approach.

Legislative Reforms on Prostitution in the Nordic Countries

How prostitution is actually defined differs not only between countries but also between the different

instruments of the law. In Iceland, prostitution was referred to as “lewdness” in the Penal Code until a law

revision in 1992, when it was instead referred to as prostitution (Atlason and Gudmundsdottir 2008), and in the

Norwegian Penal Code, the term “prostitution” replaced “lewdness” in 2000. The Danish Penal Code instead refers

to prostitution as “sexual immorality” in its provisions against pimping and procuring. The Swedish Penal Code defines prostitution as selling sexual services, and the Finnish refer to prostitution as: ‘sexual intercourse or a comparable sexual act or a sexually obscene act (…) offered for remuneration.’

Interestingly, the Icelandic definition of prostitution is “unchasteness”, thus defining the act according to

moral judgment.

The purchase of sexual services is prohibited through acts in the penal codes formulated in somewhat different

ways in the Nordic countries. Since 1999, the purchase of sexual services has been prohibited in Sweden through

the Penal Code Chapter 6 Section 11, saying that a person who pays

for casual sexual relations should be punished by either a fine or imprisonment for a maximum of one

year.[2] In

2009 a similar prohibition was introduced in Norway, through the Penal Code § 202a which prohibits the purchase

of sexual services for Norwegian residents both in Norway and abroad, and the sentence is either a fine or a

maximum of six months’ imprisonment.[3] In Finland a person who pays for sexual services from someone who is a victim of trafficking or the target of procuring can, since 2006, be fined or sentenced to prison for a maximum of six

months.[4]

Just a few months after the criminalisation in Norway, Iceland implemented a similar law,

criminalising the purchase of sex.[5] Buying sexual services from persons below the age of 18 is illegal in all the Nordic countries.[6] The criminalisation of the purchase of sexual services in Sweden, Norway and Iceland and the partial criminalisation in Finland, may signal a formation of a joint Nordic approach to

prostitution – "a Nordic prostitution regime" – and below we will detail how the revisions came about.

After two decades of debate, the purchase of sexual services was criminalised in Sweden on 1 January 1999 with

the act 'Law Prohibiting the Purchase of Sexual Services'. The debate leading up to the passing of the Bill was

informed by two White Papers on the subject, one in 1981 (SOU 1981) and one in 1995 (SOU 1995a). In addition, the

question was considered in several other law reform processes as a secondary issue. The White Paper issued in

1981 advised against criminalisation of prostitution, while the White Paper from 1995 proposed criminalising both

buyers and sellers. These White Papers were both strongly influenced by the political and societal trends of

their time and led to vivid debates and conflicts within their respective committees (Svanström 2004c:301). In

the public review of the White Paper of 1995, the recommendation of a full criminalisation was disapproved by

most participants. The day the White Paper was published, the proposition of the Committee was strongly

criticised by two experts who had been involved in the process; psychotherapist Hanna Olsson and sociologist

Sven-Axel Månsson. Both Olsson and Månsson had been involved in the Committee of 1981 and Månsson had also been

involved in the Committee of 1993, but resigned in protest of the expected proposition (Svanström 2004c:302). In

an op-ed piece in the Swedish daily paper *Dagens Nyheter*, Olsson and Månsson argued

against the proposal (*Dagens Nyheter*, 15 March 1995 quoted in Svanström 2004:302c). Their main argument

was that criminalisation of both parties would obscure what prostitution really is about; men's power over women

and men's sexuality. Instead, their suggestion was to focus on the buyer and criminalise the purchase of sexual

services. According to the authors, such a reform would 'mark a historical shift in terms of the double standards

that the patriarchal society that is causing prostitution has been permeated by' (our translation, Svanström

2004c: 302). Several papers followed, arguing for criminalisation of the buyer (ibid.). In 1996, a Bill was

presented in the Swedish Parliament wherein the political women's organisations from all parties, except the

Moderate Party, united in backing a proposal for criminalisation of the purchase of sexual services

(Riksdagsmotion 1996/97:Ju718). In 1998 the Women's Peace reform recognised the imbalance in power between the

sexes (Government Bill Prop. 1997/98: 55) and within this context prostitution was described as being closely

related to men's violence against women and as an expression of gender inequality (ibid., Yttergren 2012: 9). The

Government argued against the proposal to criminalise both parties saying that 'even though prostitution as such

is not desirable for a society, it is not reasonable to criminalise the weaker part, the one that is being

exploited by others in order to fulfil their sexual needs' (our translation, Government Bill Prop. 1997/98:55:

108, quoted in Svanström 2004: 303). Thus the issue was explicitly linked to a broader initiative on sexualised

violence in the Act on Violence against Women. The suggestion caused intense debate in the Swedish Parliament as

well as in Swedish media. Criminalising the buyer was considered a controversial political move (Svanström 2004c:

304). In the Parliament, those who supported criminalisation of the purchase of sexual services could be found

among the left-wing parties while those against such a proposal could be found among the right-wing. The argument

against criminalisation of the buyer was that such a law would be difficult to implement in practice and that

such a legal reform would push prostitution activities underground, and even have detrimental effects on the

prostitution market (ibid.). Those that supported the suggestion argued that prostitution could be understood as

an expression of women's subordinated position in relation to men and that criminalising the buyer could be seen

as taking a strong normative stance, communicating that Swedish society does not accept that men have the right

to buy women's bodies (ibid.). On 29 May 1998 the proposition was voted on in the Swedish Parliament; 181 voted

for criminalisation of the purchase of sexual services and 92 voted against. There was thus a final push toward

criminalisation and the Swedish Parliament enacted the proposed Law. The overall aim was twofold; to change

societal norms and to influence the size of the prostitution market. The law was also designed to have an impact

on policy developments elsewhere, as a model to use for politicians and activists in other countries in their

fight to criminalise the purchase of sex. The process leading up to the criminalisation of

sexual services in Sweden was, in other words, complex and multifaceted, and there has been considerable research

on how to understand it (Gould 2001, Kulick 2003, Svanström 2004a, b, c and 2006b, Westerstrand 2008, Dodillet

2009, Erikson 2011). Between the first White Paper on prostitution in 1981 and the final passing of the Bill in

1998, large amounts of material on prostitution were produced. Representatives from research, social work, media

and politics were producing statements about what prostitution was and how society should approach it. We cannot

think of another example of prostitution reform being preceded by so much knowledge production and debate. One

can of course question possible bias and problems with that knowledge production and those debates, but it would

be unfair to conclude that Swedish society had not taken time to consider the alternatives. This is in line with

what is typical of policy making in Sweden; extensive preparations (Svanström 2004a, Outshoorn, Kulawik, Dudová

and Prata 2012).

The question of whether or not to introduce a unilateral prohibition against the purchase of sex was also debated

in other Nordic countries, particularly Finland and Norway. While prostitution neither ideologically nor

numerically was considered a problem in Finland in the 1980s (Järvinen 1993, Holli 2004), it came to be defined

as an increasing problem and something that the state needed to find new ways of intervening in during the 1990s.

Anne Maria Holli states: ‘As prostitution became re-politicised in the early 1990s, Finnish society found itself

quite unprepared to deal with it’ (2004: 105). In Finland a debate on whether or not to do this by criminalising

the purchase of sex went on for several years. In July 2003 a working group established to explore the question,

recommended that purchasing sexual services should be criminalised (Niemi-Kiesiläinen 2005). The White Paper was

the focus of a public review, and 72 statements were given; some favoured criminalisation, but the decision was

postponed. A governmental proposition concluded[7] that the Finnish Government was not going to follow this recommendation, but instead only criminalise certain forms of purchase of sex – only the purchase of sex from victims of

trafficking or from persons who are involved in pimp-organised prostitution. This needs to be understood in light

of how trafficking rose on the public agenda in Finland in the 1990s.

The question, of course, is how a client in prostitution can actually know that he (or she) is not buying sex

from someone who is subjected to trafficking or pimping. In the government proposition[8] that concluded that Finland should only criminalise certain forms of sex purchase, a description is made of what indications sex buyers can look for in order to make sure they do not commit the crime. These indicators are that contact between buyer and seller is achieved through a third-party, that the advertisement

shows evidence of the individual sex-seller being part of an organised and planned operation, and that the

sexbuyer observes that the sex-seller has his or her mobility restricted or that he or she is mentally disabled.

These examples point to prostitution that is quite evidently organised by someone else, and do not aid clients

who face for example a sex-seller who is subjected to a pimp/procurer. This is particularly true as the

definition of pimping/procurement in Finland includes harbouring prostitution and marketing prostitution, and

also ‘attempt’. At the extreme end; how can a prospective client know whether a woman he wants to buy sex from

has been subjected to an attempted case of pimping/procurement? This has also been questioned in Finland, and in

June 2012 this question came up in the Supreme Court (Ginman 2012). The Supreme Court suspended a ruling from the

lower court on the basis that it could not be considered proven that the person who had purchased sex should

indeed have known that the sex-seller was a victim of trafficking or target of prostitution.

The legal committee behind the governmental preposition in Finland argued that a general criminalisation was

problematic when the main aim in reality was reaching prostitution related to human trafficking. Still, when the

partial criminalisation of the purchase of sex in Finland was approved in Parliament, one of the stated aims of

the Law was to reduce prostitution generally by making prospective clients more hesitant to buy sex and by

changing attitudes towards prostitution in the Finnish population (The Ministry of Justice Finland 2006):

‘Criminalisation is just one, yet important, method for decreasing prostitution and supporting people in

prostitution. In addition there is a great need for social and health services.’

After the law revision in Finland came into effect in 2006, full criminalisation of the purchase of sex has been

debated several times. The partial criminalisation has proved to be difficult to apply, and there is currently

disagreement among the political parties in power as to whether Finland also should introduce a full prohibition

(Hofvudstadsbladet 25 July 2012). Kelly, Coy and Davenport (2009:17) state that the development of Finnish

policies on prostitution has been influenced by international conventions and the development in policies and

definitions of the problem of prostitution in the other Nordic countries. In debates on whether or not to

criminalise the purchase of sex in Finland, references are made to what the consequences of the law had been in

Sweden, but the reports contradicted each other (Niemi 2010). Reasons given why Finland should criminalise, in

the report made by a legal committee in 2006, were to promote social and gender equality and to prevent

trafficking and procurement (referred to in Niemi 2010: 164). Through this, the ban on third-country nationals'

prostitution and the partial prohibition of the purchase of sex, indicate that the Finnish

authorities first and foremost have taken steps to regulate prostitution by banning the forms found most

problematic for different reasons, while letting prostitution, as such, be. Kelly, Coy and Davenport (2009) claim

that Finland aimed at controlling prostitution, not just regulating it. Criminalising only the buying of sex

within organised prostitution affects the market for foreign women's prostitution much more than 'domestic

prostitution’ as they are less able to work un-organised in Finland. With the current legislation, buying sex

from foreigners seems more morally wrong and risky, while buying sex from Finnish women come across as

sanctioned.

Also, in Norway the question of the criminalisation of the purchase of sex has been debated on and off since the

early 1980s. Even though Sweden criminalised clients first, debates on the issue in Norway ran parallel to those

in Sweden, and on several occasions the Norwegian approach to prostitution was described as more radical than the

Swedish. For example by Lihme (1992) who discusses prostitution policies under the headline: ‘We find the two

opposite poles of European prostitution policies in respectively Amsterdam and Oslo.’ In 2008 debates on whether

or not to criminalise the purchase of sex led to a Parliamentary vote in favour of such a legal revision and

criminalisation of purchases of sexual services was implemented in Norway in 2009. The Act also prohibits

Norwegian residents from buying sex abroad.[9] In the first three years of the Law, 297 men have been fined for buying sex in Oslo, of these 69 have bought sex on the indoor arena (the Pro Centre 2012), the arena that is assumed to be much

larger than the street prostitution arena.

As in Finland, the debates in Norway, both in the media and in Parliament, included references to whether or not

criminalisation of the purchase of sexual services in Sweden had had positive or negative effects. In debates

over what policies to apply, debaters in the various countries, as well as representatives of the government,

made the regulation and development in the other Nordic countries relevant. When the Finnish Government decided

not to criminalise the purchase of sex in 2002, the governmental proposition explicitly mentioned experiences

from Sweden as a reason (Marttila 2008a: 157).

Activists and lobbyists had worked towards criminalisation of the purchase of sex in Iceland for many years and

the issue had been debated in Parliament on several occasions (Atlason and Gudmundsdóttir 2008, Halldórsdóttir

2009). The Bill was eventually introduced without much preparatory work. Leading up to the Bill was a series of

reports and legal revisions pertaining to how striptease clubs in Reykjavik were organised. These clubs were

assumed to also hold prostitution, and striptease was therefore increasingly controlled in order to combat

prostitution.

In the last few years criminalisation of the purchase of sexual services has also been the

subject of heated debates in Denmark. In 2012 the Danish Government instigated an investigation aimed at looking

into the experiences of the criminalisation of sex purchase in Sweden and Norway. The investigation concluded

that a criminalization of the purchase of sex would not affect people in prostitution in a positive way, but

rather lead to further stigmatisation. Based on these results, the Danish Government eventually decided not to

criminalise the purchase of sex (*Politiken* 12.11.21).

Parallel to the process of criminalisation of the purchase of sex, there have been other important legal changes

concerning prostitution in the Nordic countries in the last two decades. An important legal change that has been

made is the decriminalisation of the sale of sex, which involves decriminalisation of soliciting and vagrancy,

but also of living off the earnings of indecency. The last country to decriminalise the sale of sexual services

was Iceland, which removed its ban against living off the earnings of prostitution in 2007.[10] The Icelandic prohibition was not a dormant law, but has been in use in the 2000s (Bragadóttir 2005). In Denmark the same ban

was removed in 1999. The act of selling sex or of selling sex in particular ways were thus, for a long period,

the only behaviours addressed by prostitution laws in the Nordic countries in addition to pimping procuring. This

fact makes the recent criminalisation of purchase a radical one. In retrospect decriminalising the sale can be

seen as the first step toward redistribution of responsibility from the seller to the buyer. Criminalisation of

the purchase was the second step. This shift took place over a short historical period, particularly in Iceland,

where selling sex was fully decriminalised in 2007. Buying sex was criminalised in 2009. However, in Sweden,

Denmark and Finland, selling sex is still partially criminalised through the Alien Act.

Another central issue concerns involvement in another person's prostitution, the so-called third-party in

prostitution (O'Connell Davidson 1998). Laws in action are, as we already stated, something entirely different

from laws in books. Nowhere is that more evident than if we look closer at how the laws on pimping/procuring have

been implemented. The third-party can be defined as someone organising prostitution or someone mediating contact

between the seller and the buyer, and the relationship can range from assistance to extreme forms of

exploitation. Pimping and procuring are illegal acts in all the Nordic countries, and regulated through the

national penal codes. In Sweden thirdparty activities are criminalised under the Penal Code,

Chapter 6 Section 12. The penalty for procuring is imprisonment for

a maximum of two years.[11] The Danish Penal Code criminalises the third-party in prostitution through Chapter 24 Section 228 (procuring) and 229 (pimping). Imprisonment for a maximum of four years is the penalty for

the crime in Denmark.[12] The Penal Code of Norway prohibits pimping through Section 202. The penalty for pimping in Norway is fines or imprisonment not exceeding five years.[13] In Finland procuring is criminalised through the Penal Code Chapter 20 section 9. This law was

complemented with a new offence of aggravated procuring (Section 9a) in 2004. In Finland procuring is punished with a fine or

a maximum of three years of imprisonment,[14] while aggravated procuring is punishable with imprisonment for a minimum of four months and a maximum of six years.[15] In Iceland third-party activities are criminalised through the Penal Code §

206, stk 2–5, and the maximum sentence is four years.[16]

In Finland pandering is criminalised through the Penal Code Chapter 20, Section 9 and

punished by a fine or imprisonment for a maximum of three years.[17]

Even in periods in which much attention is devoted to law reform, the existence of these laws has, however, not

been challenged. Quite the opposite, most participants in policy debates have agreed that pimping should remain

illegal. Even though there is seemingly great consensus on keeping the laws against pimping and procuring,

reviews of court cases show few prosecutions during the 1980s and 1990s (Giertsen 1985, Prieur 1985, Moustgaard

2008, Skilbrei 2008). A lack of prosecutions could of course signify that very little pimping/procuring is taking

place, but empirical evidence indicates that this was not the case (see, e.g., Månsson 1981, Skilbrei 1998). This

legislation is of particular importance, since there are often exploitative relationships and situations involved

that makes crimes more serious, in a legal sense.

How third-party involvement is dealt with in the Nordic countries has changed over recent years without much

debate. Particular focus has been put on the acts that constitute pimping or procuring and to what extent

exploitation is a prerequisite. Some of the changes within these Acts are linked to the introduction of

prohibitions against human trafficking and how these are implemented. Human trafficking for sexual purposes is

prohibited through the different national penal codes. In Denmark trafficking in human beings is criminalised

through the Danish Penal Code § 262a. The penalty is imprisonment for a maximum of eight years.[18] In Finland it is regulated in the Penal Code of Finland: Chapter 25 – Offences against personal liberty (578/1995). The sentence

is a minimum of four months and a maximum of six years.[19] Iceland prohibits trafficking for both sexual exploitation and forced labour through the Penal Code § 227a and punishments range up to 12 years'

imprisonment, after an increase of the maximum sentence was implemented in 2011.[20] In Sweden the penal code prohibits trafficking for both sexual exploitation and forced labour, which prescribes penalties of two to ten years'

imprisonment.[21] Norway prohibits all forms of human trafficking in persons through Criminal Code § 224, prescribing a maximum penalty of ten years of imprisonment.[22]

There are some differences between the Nordic countries in the relationship between the

policies on pimping/procuring and trafficking as the boundaries between different forms of organisation and

exploitation of prostitution are drawn. While overlapping laws on pimping/procuring and trafficking were not

regarded as problematic in Denmark, the Norwegian authorities removed exploitation as a prerequisite for

pimping/procuring when introducing a new law on trafficking in 2003. Thus the definition of pimping/procuring was

dramatically changed, as all forms of organising another person's prostitution now constitute pimping/procuring,

even when there is no monetary gain (Skilbrei 2008). In Denmark, a prerequisite of financial gain was removed

from the Act on pimping and procuring as early as 1961 (Greve 2005). In Sweden there are legal measures targeting

procuring and trafficking and the Swedish procuring Law covers both the promotion and organisation of another

person's prostitution. Also in Sweden there have been debates on how trafficking legislation relates to the

legalisation on pimping/procuring. In 2010 the Government presented a proposition concerning reforms of the Law

targeting human trafficking. The proposition suggested two major changes; to remove the so-called prerequisite of

control, saying that the trafficker has to have taken control over the victim and to remove the requirement of

double criminality in cases of trafficking. The background for this proposition is that there have been recurring

requests for facilitating the use of the Law (Regeringens proposition. 2009/10:152:13).

How much these acts are actually applied varies: In Sweden there were 103 reports on "trafficking-like crimes"

during the period 2008–2010 (The Swedish National Council for Crime Prevention 2011:19). “Trafficking-like

crimes” refers to a situation when a person in Sweden is assisted by a person abroad, who organises the transfer

of women to Sweden where they are then ruthlessly exploited in prostitution (Yttergren 2012: 11). In 25 cases the

offenders were prosecuted and out of these 25, 19 were subsequently convicted of procuring (the Swedish National

Council for Crime Prevention 2011:19, Government Bill Prop. 2004/05: 45 quoted in Yttergren 2012: 11). During the

same period, from 2008–2010, six persons were convicted of trafficking (the Swedish National Council for Crime

Prevention 2011: 19). Due to difficulties proving the element of “improper means”, perpetrators are often found

guilty of procuring, rather than trafficking (Government Bill Prop. 2004/05: 45, quoted in Yttergren 2012:11).

These cases have caused discussion and requests for an increase in penalties. Thus also in Sweden it has been

shown that the boundaries between what *might* be defined as human trafficking and what *can* be

classified as procuring are not clear.

Annually between 19 and 41 cases of trafficking for prostitution purposes have been reported

to the police in Norway (the Police Directorate 2012: 54), but very few of these have ended up in court. There

have been problems involved in delineating trafficking, on the one hand and pimping and procuring on the other,

and to define a threshold for defining a relationship as exploitation and a situation as vulnerable,

prerequisites in the Nordic trafficking acts (Skilbrei 2010).

Even if the national penal codes provide an overarching framework for how prostitution is dealt with, there are

many other national policies and regulations that need to be considered. A variety of other laws and regulations

are also relevant. Even though the responsibility and therefore the culpability for prostitution are placed on

the buyers of sex in most of the Nordic countries, other policies build on different premises. There is an

apparent paradox between the definition of the problem of prostitution in the Penal Code and what seems to be the

problem with prostitution when it is being governed through the use of Alien Acts and laws on public order and

security. One example is the use of Alien Acts. Persons travelling to Denmark, Finland, and Sweden from outside

the European area can be stopped and returned at the border if the border patrollers have reason to believe they

have come to sell sex (Holmström and Skilbrei 2008). According to Swedish law, a foreigner can be deported if it

is assumed that the person is going to make a living in a “dishonest way”.[23] This provision has been used in several cases related to prostitution and has also caused discussion and debate in Sweden (see for example

Göteborgsposten, July, 2011, Parliamentary Ombudsman, JO. 2012). This way of applying the Alien Act has

been criticized and questioned and has also led to a conviction in the Swedish Migration court where such a case

was reversed. The Swedish Migration Board has also published a legal guidance stating that EU-citizens and their

family members have the right to stay in Sweden for three months, regardless of how they support themselves,

unless they commit a crime or burden the aid system, due to the EU law superior status in relation to the Swedish

Aliens Act (the Swedish Migration Board RCI 13/2012). However, the legal standing of these cases is not clear. A

recent case of deportation of several women from Eastern Europe, involved in a trafficking case, was reported to

the Swedish Ombudsman, who concluded that there was no reason to question the action of the police in this

particular case, which can be interpreted as a signal that it is not incorrect to deport women in transnational

prostitution.

The Aliens Act in Finland was amended in 1999 to the effect that a foreigner can be turned back at the border, if

there are strong grounds to suspect that she/he is selling sexual services (Aliens Act

9:148).[24] This policy targets sellers, which is inconsistent with the general shift of attention to buyers. The background

to this prohibition was the fear of organised crime (Penttinen 2008).

Finland also provides another example of other laws being used to influence the prostitution market. Helsinki

approved new regulations prohibiting both selling and buying sex in public places in 1999 and prohibiting certain

forms of prostitution as a public nuisance and security problem, which send different signals than a national

approach in which the seller is portrayed as the victim of prostitution, not the perpetrator.[25] This was argued for for a variety of reasons, and seems to have been a pragmatic policy installed to meet demands to do something

about a phenomenon that, among other things, was considered a nuisance (Holli 2004). As street prostitution in

Helsinki was dominated by foreign women, it can be argued that the move towards criminalising street prostitution

effectively introduce a two-tiered prostitution market with the ethnic "others" on the streets being prosecuted,

while the market for Finnish women working indoors becomes a privileged niche market (Marttila 2008b, Penttinen

2008).

In all these exceptions to the "Nordic approach to prostitution", the sellers' "foreignness" is effectively made

relevant and the prostitution policies are thereby ethnicised (Marttila 2008b).

Also in Norway, prostitution in public space has increasingly been considered a nuisance. Street prostitution had

for many decades taken place in the same area of Oslo, but in the 2000s local businesses and others started to

protest and to demand that politicians did something to remove it. This was, among other things, part of an

attempt to gentrify the area and plans were made to build housing suitable for families. A few years later, the

focus on prostitution as a public nuisance became even stronger as part of the market moved outside the

traditional prostitution area, and into the pedestrian parade street Karl Johan. This strengthened the call to

remove street prostitution. This development on the one hand gave strength to the call to criminalise the

purchase of sex generally as a way to get rid of prostitution as an unwanted phenomenon in itself. On the other

hand it gave rise to a separate strand of debates in Oslo on whether or not selling sex could be regulated away

by the use of police by-laws. Oslo City Council voted in favour of the introduction of a ban on selling sex in

specific ways, but the revision of the by-law was stopped by the Minister of Justice and the Police Directorate

with reference to how targeting women selling sex was the wrong way to approach

prostitution, and not in line with the national problem definition. Interestingly enough, the Labour Party in

Oslo City Council voted in favour for this revision, while the same party also voted in favour of criminalisation

of the purchase of sex in Parliament on the grounds that prostitution is something the seller is a victim of. The

Danish Criminal Justice Council (the Ministry of Justice Denmark 2012) evaluated whether Denmark should introduce

a similar prohibition against prostitution in public space as Finland, but argued against on the grounds that

this would conflict with the intention of the decriminalisation of the sale of sex in Denmark in 1999.

Considering and treating street prostitution as a problem of public order is part of a wider European

development, both in terms of the move towards sanitising public space, but also in terms of abolishing

prostitution from public space (Tani 2002). With this policy, people selling sex are treated as responsible for

prostitution. Concern over how prostitution negatively impacts on local communities is also a part of Nordic

debates over prostitution, particularly in Finland and Norway, and the concerns and needs of inhabitants of such

areas are often overlooked, Kate Williams contends (2011: 172). This echoes policies of the late nineteenth

century where “public women” were to be kept apart from decent women in public space. Anne Maria Holli (2004:

117) describes how the ban against street prostitution in Helsinki in this period was argued for on the basis of

the rights of women to use public space without being subjected to harassment. In this case, the freedom of

movement of non-prostitute women was to be achieved by imposing restrictions on women who sell sex by making

their actions illegal. Contemporary ideas about proper femininity influence how the criminal justice policies

available are appropriated. Margaretha Järvinen (1990) shows how this is true of Helsinki in the 1940s and 1950s,

where women out alone in the evening were susceptible to police control as they were suspected ‘prostitutes’.

May-Len Skilbrei (2009) shows how ethnicity and ‘race’ are markers several decades later in how prostitution, as

a problem of public nuisance, is constructed around the suspicious presence of Nigerian women in public space,

hotels and in bars. White women who sell sex are on an overarching level defined as victims that society has to

protect, while groups of non-white women in prostitution at the same time are defined as a problem society is the

victim of.

Stopping possible sellers of sex at the border and prohibiting certain forms of prostitution as a public nuisance

and security problem, send different signals than a national approach in which the seller is portrayed as the

victim of prostitution, not the perpetrator. In all these exceptions to the “Nordic approach to prostitution”, it

seems as though the sellers’ “foreignness” is made relevant and that the policies towards prostitution

increasingly are ethnicised (Marttila 2008b). Setting foreign prostitution apart from ‘Finnish’ through this and

the use of immigration law and the ban against street prostitution (where foreign women are

overrepresented), has thus practical and ideological consequences.

Ideologies Behind the Nordic Legal Approaches to Prostitution

We now turn to a more detailed description of the ideological underpinnings for how prostitution is approached as

a criminal justice problem in the Nordic countries. Rightfully, Munro and Della Giusta (2008: 2) contend that

prostitution policies become linked to national identities and assumptions about who and what “we” are. How a

country approaches prostitution does not only regulate its citizens: It also projects an image to the outside

world about what kind of a nation and people it is. In the arguments in favour of the Swedish Sex Purchase Act,

to spread the law to other countries was an explicit goal, by way of showing the way forward by setting a good

example (Kulick 2003, Träskman 2005). Nell Rasmussen explains how this represents a breach with the Nordic unity:

> Whereas the Nordic region for many years have had a fairly similar understanding of prostitution, both as a
>
> social and gender political problem that should be combatted through social and gender political measures, today
>
> Swedish politicians and bureaucrats these days travel around the Nordic region and in the Baltic States to
>
> advocate for “the Swedish model” in meetings with local politicians and professionals, with a rhetoric that does
>
> not include discussions of or demands for active social measures for prostitute women and men, and that in terms
>
> of gender politics is only concerned with measures to convict clients in prostitution. (Rasmussen 2005:

97).[26]

This has also been noted outside the Nordic countries. The same claim was made in an article in *the*

Economist where the Swedish attempts to promote criminalising the purchase of sex abroad was criticised

(*the Economist* 4 September 2004): ‘It even has a roadshow, which begins with a showing of the film

“Lilya 4-ever”, about a trafficked Russian teenager, and proceeds with speeches from

ministers, police inspectors and reformed prostitutes. Peculiarly, for a nation with such firm socialist

traditions, the government has also teamed up with the White House.’

Relevant here is also how being among the Nordic countries is made relevant in debates over which prostitution

policies to apply in the five countries. Several joint Nordic forums have been established where prostitution and

prostitutionrelated trafficking is debated and joint statements and policies are applied. An idea of prostitution

being non-Nordic is communicated in some of these instances. Several have written on how the introduction of the

ban against the purchase of sex in Sweden needs to be seen in relation to fear over national corruption,

migration and the loss of “Swedishness” (see Gould 2001, Kulick 2003). As mentioned several times, gender is an

important frame for how prostitution is approached in the Nordic countries, but what does this entail? In what

ways is gender made relevant? Gunilla Ekberg characterises the Swedish position on prostitution in this way:

> For a long time, the work against prostitution and trafficking in human beings has been a political priority in
>
> Sweden, at the national level as well as international level. The work is considered an essential part of efforts
>
> to create a contemporary and democratic society where full gender equality is the norm, and to recognize the
>
> right to equal participation of women and men, girls and boys, in all areas of society. (2004: 1188)

Later, Ekberg specifies:

> In Sweden, prostitution is officially acknowledged as a form of male sexual violence against women and children.
>
> One of the cornerstones of Swedish policies against prostitution and trafficking in human beings is the focus on
>
> the root cause, the recognition that without men's demand for and use of women and girls for sexual exploitation,
>
> the global prostitution industry would not be able to flourish and expand. (2004: 1189)

In defining prostitution this way, other forms of prostitution than the one where women sell sex to men are

rendered invisible. The law that prohibits the purchase of sexual services is gender neutral, but is often

referred to in gendered ways, as if it only applies to certain forms of prostitution. In an article on this Law,

Gunilla Ekberg writes: 'This Law recognizes that it is the man who buys women (or men) for sexual purposes who

should be criminalized and not the woman' (2004:1187). Ekberg was at that time a special advisor on issues of

prostitution and trafficking to the Swedish Government and the organiser of the work on the Governmental action

plan on these issues.

Still, it is important to be aware of the fact that the feminist approach towards

prostitution changed over time. Jenny Westerstrand (2008: 172) points to how it was only very late in the debates

on criminalisation that feminist arguments took a radical turn. This means that, in mainstream political debate,

prostitution was spoken of as having to do with unequal gender relations, but not as violence in itself. The

official reason given was that it was introduced to work towards gender equality and towards the abolishment of

prostitution by way of targeting "the demand side". The preparatory works does not define prostitution as men's

violence against women, but is described as "closely related" to this phenomenon (Florin 2012). Later,

prostitution was more explicitly defined as a form of violence. In the White Paper *Könshandeln* (SOU

1995a) prostitution is described as something leading to grave consequences for women who sell sex, both in terms

of somatic and mental injuries (Florin 2012). In arguing for a law revision in this way, a particular form of

'rationality' was energised, one that was already available in research and social work likening or equating

prostitution with violence. This is in many instances equated with a feminist position towards prostitution, and

is positioned as in opposition to an argument based on sexual moralism (Niemi-Kiesläinen 2005). Petra Östergren

(2006: 81) cites an interview she had with parliamentarian Inger Segelström and how she positions the sex

purchase act as having to do with gender equality, and nothing to do with sexuality or moralism. Östergren

questions whether these issues, in reality, can be kept apart, or if the perspectives applied to prostitution

have to do with how debaters find prostitution disgusting.[27]

In Norwegian debates on whether or not to criminalise the purchase of sex, clients and sexual acts included in

prostitution were indeed described with disgust (Skilbrei 2012b). Prostitution was also actively described as

violence in itself by mainstream politicians in Norway in the debate leading up to the law revision; in contrast

to what Westerstrand (2008) concludes was the case in Sweden. The view that Sweden criminalised the purchase of

sex because they define it as violence was established in Norway, and repeating the claim to achieve the same

result in Norway did perhaps seem like a good strategy. Besides, prostitution had been likened to or defined as

sexualised violence in public debate in Norway for 25 years already when the Norwegian Parliament voted yes on a

Norwegian sex purchase act.

Also, in Finland gender has been an important reference in debates on what prostitution policies to apply, while

the way in which a gender perspective has been applied has varied over time (Holli 2004). Holli (2004) describes

how in the 1990s prostitution was debated as something being influenced by and influencing unequal gender

relations. But outcomes of earlier debates on prostitution policy reform seem to have been more explicitly

produced by an understanding of prostitution as something related to gender norms and

inequality. Anne Maria Holli sums up the interpretation of prostitution in the committee report leading to the

decriminalisation of vagrancy in 1986: ‘The committee stressed the connections between prostitution and the

gender system, seeing the prevalent sexual culture and uneven power balance between the sexes along with social

and economic factors as causes of prostitution’ (Holli 2004:107).

Little has still been written on the introduction of the ban on purchasing sexual services in Iceland, but

Bragadóttir (2005: 39) writes about how Icelandic debates on prostitution policy need to be seen in the context

of changes in the prostitution market; a greater visibility of prostitution, globalisation and increasing

sexualisation of society. The debate on whether or not to criminalise the purchase of sex went on for many years

in Iceland. Kolbrún Halldórsdóttir from the Left-Green Movement proposed a Bill in Parliament in 2000 on gendered

violence which also included a proposition to criminalise the purchase of sex. This Bill did not go through, but

she continued to work for criminalisation. Another Bill was proposed in 2004, but this did not end in a decision

to pass or reject the Bill, but rather to establish a working group on the issue. Atli Gíslason from the

Left-Green Movement proposed the Bill on criminalisation of the purchase of sex in 2009 and in April, the Bill

was accepted by the Icelandic Parliament. The Left-Green Movement, the Social Democrats, and the Progressive

Party voted yes, the Liberals and the Conservatives voted against it or did not vote (Sigurðardóttir 2009). To

criminalise the purchase of sex was among the measures suggested to combat trafficking in Plan of action of human

trafficking issued by the Ministry of Social Affairs in March the same year (Iceland Review Online 2009).

Halldórsdóttir describes how it took nine years of effort to get the Law in place and also give the organisation

Stígamót a great deal of the responsibility for having prepared the ground (Sigurðardóttir 2009). As in Norway,

the premises were set by decades of feminist grass-root activism and a redefinition of prostitution as linked to

larger issues of gender equality, such as patriarchy, but the push came from concerns over a perceived influx of

foreign women in prostitution and over human trafficking (see Bernstein 2007 for the same argument for Sweden).

Marlene Spanger (2011) has argued that in Denmark, unlike in Sweden and Norway, feminism was never an important

perspective in debates on prostitution policies until the 2000s, and then it was introduced linked to concerns

over trafficking. Today, Danish politicians are quite concerned with emphasising the responsibility of the

clients in prostitution, but going back a few years shows that clients are not really understood as a part of

'the problem with prostitution'. In 2005, the Danish authorities issued a plan for a holistic effort in the field

of prostitution (the Danish Ministry of Social Affairs 2005). Even though the title of the

report claims that this is a holistic approach,[28] clients in prostitution are not mentioned once. Järvinen writes about the relationship between Danish prostitution debates and especially other Nordic ones: 'Discussions and research

on prostitution in other countries is met with suspicion in Denmark. "They are probably trying to smuggle

Swedish/Norwegian neo-moralism into our country – and we don't want that in Denmark"' (Järvinen

1989:11).[29]

Whether or not to apply a gender perspective to prostitution has also been debated in joint Nordic contexts, and

on this topic Danish participants have been less inclined than their Norwegian and Swedish counterparts to

understand prostitution as something that has to do with gender and inequality. The former Minister of Equality,

Henriette Kjær, criticises Danish feminists for being too paternalistic and too eager to make unfavourable

comparisons between Denmark and Sweden on matters of gender equality, also when discussing prostitution. She said

about her opponents in Denmark: ‘Most of the beginnings of good debates on gender equality are actually ruined by

the fact that the “gender equality clique” explains that Denmark on the area of gender equality is a developing

country, light years behind e.g. the Swedish Utopia, while wringing their hands’ (Kjær 2003).[30]

As mentioned in Chapter 3, Henrik Tham (2001) has pointed to gender

and sex as topics which Sweden has been willing to regulate more than before with the application of criminal

justice policies. There might be several reasons why a Nordic country is more punitive in its approach to such a

phenomenon than towards others. Feminist grass-root movements in many countries have turned to the law as their

ally in combating e.g. sexual violence (see e.g., Bumiller 2008). While some remain critical towards the

inclusion of feminist agendas to combat sexual violence into state agendas, others contend that continued

grass-root organisation of the work would not achieve the goals of the movement in the same way and with the same

speed (Bumiller 2008). Having an act criminalised gives it increased legitimacy as a serious problem, and this

contrasts to how violence towards women and children in for example the private sphere has been rendered invisible. It can also be the case that these particular areas are easily made use of by politicians in need of

attention. Tham (2001) also contends that the domain of making policies is more

politicised than before in the sense that criminal justice policies used to be left more to experts, but are

today more in the domain of politics. ‘Taking a stand’ against violence towards women and children is a way to

profile politicians as ‘tough on crime’ in an area that would not challenge social democratic sensibilities. That

politics serve a symbolic function is not news, and in relation to gender and sex certain positions connote

proper decent personhood, not only domestically, but also globally. Prostitution is an example Tham mentions, and

he points to how the Swedish Sex Purchase Act had as one of its goals to send a signal to other countries (Tham

2001: 417).

Gender is not the only direct or indirect reason why prostitution is considered a problem in the Nordic

countries. In Norway and Finland (and now also in Denmark) the arguments for criminalisation of the purchase of

sex were expressed in a context with an increasing number of women from abroad. In these countries

criminalisation has to be understood in close connection to public concerns about illegal and unwanted migration.

Thus, in some countries, the development of the prostitution markets has had a great impact on the formation of

legal reforms resulting in criminalisation of purchase as a pragmatic solution, while in others the

criminalisation of the purchase of sexual services has mainly been a political process, aimed at stating

ideological stances and changing societal norms. Debates on whether or not to criminalise the purchase of sex in

the Nordic countries have in other words not been linear, leading from one position to the next, but have instead

gone back and forth leaving some arguments as more valid in some periods, but not in others.

Looking closer at the contexts wherein the Nordic prostitution policies have emerged we argue that prostitution

came to represent greater concerns: In Sweden – of unequal gender relations, in Finland – of unwanted migration,

including trafficking-related migration, in Norway – of unwanted migration, including trafficking-related

migration; gender and an unwanted development of society, and in Iceland – of gender and societal development. It

was possible for actors participating in debates and processes to appropriate arguments and concerns pre-defined

as legitimate: being in favour of gender-equality, being against exploitation in the form of trafficking, and

being against society being corrupted by the increasing visibility of paid sex and violence. Hence, it is

important to notice that the legitimacy and validity of these differing political arguments and concerns have

been given in and by different political and societal contexts, in the Nordic countries. In Sweden and to some

degree also in Iceland, the concerns and arguments were formed within a specific ideological and political debate

aimed at gender equality.

Criminal Justice in Action

When discussing the application of legislation as a way of regulating prostitution, one must also consider what

consequences these laws have. This is of course a highly difficult endeavour, as the knowledge production on

prostitution is notoriously fraught with faults and normative biases. There are great methodological challenges

to developing a sound estimate for the size of a local or national prostitution market (Shaver 2005, Munro and

Della Giusta 2008), and the number of observed sellers of sex in visible forms of prostitution and in greatest

need of social work, is often what is presented as the size of the market. As Jari Kuosmanen notes (2011),

knowledge on the scope of the market generated by official sources is problematic as they only have access to

information on parts of the prostitution market, not most indoor markets or prostitution taking place abroad

involving Swedish sex buyers. There has been great interest in whether the law revision of 1999 in Sweden made

any headway in combating prostitution or not, and in policy debates in other countries estimates of the size of

the Swedish prostitution markets are readily made use of (Sanders and Campbell 2008). Some describe the Swedish

Law as a success (see e.g., Matthews 2008, Yttergren 2012), others a failure (Goodyear and Weitzer 2011, Danna

2012). We contend that most opinions on the Swedish case take too much for granted.

The importance of law lies not only in how it is argued for and its formulation but also in how the law is

implemented, or rather appropriated, by various actors who also need to be brought into the picture (Hubbard

2006). In the case of Sweden, the prohibition on the purchase of sex is almost exclusively used on heterosexual

prostitution where men buy sex from women, and almost exclusively in the most explicit forms of prostitution,

where cash is exchanged for sex, even though the formulation of the Law also includes other forms of remuneration

(Florin 2012). Petterson and Tiby (2003) also observed how social workers and police define prostitution based on

what they can most readily observe, which means that they stay shy of indoor prostitution and prostitution where

men sell sex. Another aspect that needs to be taken into consideration is how the legislation on prostitution is

actually applied. Max Waltman (2011) points to how Swedish courts have made decisions based on premises that are

in breach of the intention of the Sex Purchase Act. While the law was argued for, among other things, on the

grounds that the sale of sex is not a voluntary act, Swedish courts have made consent relevant and understood

prostitution first and foremost as a problem of public order. Reports from the National Criminal Investigation

Department (2003 in Svanström 2006b) show that the police have not made it a priority to report and prosecute the

crime. The reports that were made were mainly related to investigations concerning procuring (the Swedish

National Council for Crime Prevention 2011:17). During the last years, however, specific

attention has been paid to prostitutionrelated crimes in Sweden due to the Swedish Action plan against

prostitution and human trafficking for sexual purposes (2008). The Swedish police received 40 million SEK for

developing their work with prostitution-related crimes. As a consequence, there has been an increase in reports

concerning the purchase of sexual services, human trafficking and procuring in Sweden during 2008-2010. In 2008

and 2009 the number of reports concerning the purchase of sexual services was still quite low. In 2010, however

the number of reports rose drastically from 400 to 1 300 (the Swedish National Council for Crime Prevention

2011:16).

Still, we know little about how these various prostitution laws are implemented by the police. In his work on

policing prostitution in the UK, Roger Matthews (2005) makes it clear that details of how the police work in

relation to prostitution are highly relevant. We know that the definition of prostitution as men's violence

towards women means that police officials in Sweden understand their mandate to, almost exclusively, focus their

attention only on prostitution where women sell sex to men (Siring 2008). We also know that social work agendas

and police priorities in policing of prostitution markets conflict at particular times and localities, where

social workers' opinions are that the police make access to assistance for people involved in prostitution more

difficult (Jahnsen forthcoming).

An example is how the most dramatic shift in the application of criminal justice policies in the last ten years

in Norway is not necessarily the introduction of new legislation, but rather changes in how the existing laws are

applied. Concerns over trafficking have made all forms of third-party involvement in prostitution more of a

priority for police, and this has stepped up police involvement with the prostitution market.

Under the umbrella of anti-trafficking efforts the Oslo police have, since 2007, sought out people who let

apartments to persons who sell sex to inform them that they can be charged with pimping/procuring if they do not

terminate the contract. They also contact hotels where police suspect that particular women, identified through

ads, are staying while in town. Landlords and hotel employees (not only the owners can be prosecuted, but also

ordinary employees) have to show due diligence in this and can be prosecuted for pimping/procuring if the police

attorney concludes that they ‘should have known’ that prostitution is taking place in their premises. This

section of the Act has been applied many times in recent years, financial gain is not a requisite, and the

threshold seems to be low. The police named their action Operasjon Husløs – Operation house-less/homeless.

Before contacting landlords, police often visit the premises first to get an impression of whether prostitution

is taking place. They do not only look for third-party involvement, but also for lack of residence permit and

evidence of crimes committed by the women, and there is reason to believe that these raids

have given more results in the form of deportation of irregular migrants than in the form of exposure of third

party involvement in prostitution.

This action makes it difficult for women who sell sex, particularly women of ‘suspicious’ nationalities to rent

flats and hotel rooms, and it also lead to discrimination against other women of the same nationalities whom

hotels are afraid of renting out rooms to for fear of police prosecution (Skilbrei, Tveit and Brunovskis 2007).

Oslo police continue this practice even though the sex workers’ rights organisation, social workers and

researchers have explained these adverse effects to them in meetings, research reports and op. eds.

This is very similar to a practice described in England in the late nineteenth century. Brothel-keeping in a wide

sense was criminalised in 1885, and pressure was put on landlords not to rent out apartments to women who could

be suspected of selling sex. This worsened the situation for many groups of women who seemed ‘suspicious’ to the

outside world, and women who sold sex actually became more dependent on prostitution brokerage because they could

no longer find flats on their own (Bland 1992). In England at that time, living alone as a woman would be

suspicious, while in current-day Norway, having a certain ethnicity or colour is what raises concerns over

prostitution in landlords, neighbours and hotel receptionists.

This again points to emerging ambivalences towards prostitution: these police actions aimed at rendering women

who sell sex homeless and who target them in a way which makes them vulnerable to discrimination, surveillance

and to having their status as irregular migrants disclosed, exists at the same time as Norwegian politicians and

others debated criminalising the purchase of sex, among other things, because prostitution was considered as

exploitation of women who sell sex. The women are constituted to be problems and victims at the same time.

Further, women in prostitution are targeted by police with reference to the ban on the purchase of sexual

services and to trafficking prevention (Skilbrei and Holmström 2011). Police have argued that by selling sex,

persons in prostitution are turning others into criminals (Dagbladet, 20 April 2011). When police targeted

landlords of women in prostitution for possible pimping offences (Oslo Politidistrikt 12 November 2007), several

women found their apartment leases terminated on very short notice and some lost their deposit.

Understanding the Consequences of Laws Targeting Prostitution

As described in Chapter 2, what kind of consequences laws on

prostitution actually have, is difficult to ascertain. The Nordic countries are complex modern societies that are

undergoing changes in many areas, and if we were to observe changes in their prostitution

markets, it would be impossible to prove that these were due to law revisions and not to changes in other

factors, such as the economy, welfare provisions, migration, demography, popular culture etc.

When looking more closely at what is claimed to be the effect, we find contradictory reports on developments and

reasons. In the case of Sweden, this is particularly true. Many have a vested interest in proving “the Swedish

model" right or wrong, and a full evaluation based on primary data of the law has not been done.[31]

Much has been said about the consequences of the criminalisation of the purchase of sex in Sweden, such as the

Skarhed Report (SOU 2010), Hagstedt, Korsell and Skagerö (2009), Danna (2012), Florin (2012) and Dodillet and

Östergren (2011). Some claim that the Swedish prohibition of the purchase of sex has had few or no effects. Alan

Collins and Guy Judge (2008:145) argue that Swedish men more than before the introduction of the Law travel to

neighbouring countries to buy sex. They cite Gould (2001), Kulick (2003) and Ekberg (2004) on this, without it

being possible to find evidence of such a development in their work. There has been an intra-Nordic prostitution

market for several decades: sellers and buyers of sex travel within the visa-free Nordic region. Some have argued

that there is more movement now, as Swedish clients, since the Law, more often buy sex in neighbouring countries.

It might be the case that the Law has had negative effects for people involved in prostitution. Collins and Judge

(2008) argue that the law has pushed prostitution underground and made life worse for people selling sex (with

reference to a blog entry from Petra Östergren). The last claim may very well be true, and Östergren finds

evidence of this in governmental reports, but as Collins and Judge go on to note; there is a lack of systematic,

sound knowledge on the development of Swedish prostitution markets (Holmström 2008).

Others again claim that life in prostitution has not worsened and that there has been a decrease in prostitution

as fewer people sell sex now than before the Law (Ekberg 2004, SOU 2010). Max Waltman concludes: ‘The law has had

a significantly impact on the demand for prostitution, as well as on the size of the

population of prostituted persons’ (Waltman 2011: 468). He cites Kuosmanen’s findings from the 2008 survey as

evidence of the decline in demand, and in addition claims that traffickers are now less likely to operate in

Sweden. To sum up, Vanessa Munro and Marina Della Giusta writes (2008: 3):

> A number of commentators have also highlighted the practical, and positive, impact of this response in quashing
>
> demand. It is argued that there has been a marked decline in the number of prostitutes working on Swedish
>
> streets. But critics point out that street prostitution had been in decline in advance of this policy, triggered
>
> by changing market conditions and the increased use of technology to recruit clients. In addition, critics point
>
> to a lack of information about off-street prostitution in Sweden and suggests that abolitionism may have simply
>
> forced a relocation to less visible sites in which sex workers may be at increased risk of abuse, or drawn into a
>
> more competitive market in which they have to cut prices or offer riskier services to secure the business of a
>
> decreasing client base.

The Skarhed Report mentioned earlier only repeats the impressions that professionals working in the field have of

the development in the parts of the prostitution market that targeted services and police prioritise. Not enough

is known about indoor prostitution and male prostitution to be able to say whether the size of the Swedish

prostitution market has gone down or not after the introduction of the Sex Purchase Act (Danna 2012). With lack

of sound empirical evidence, whether you conclude that the legislation has worked or not depends on who you

believe (Weitzer 2005).

What effects may the law revisions have had in the other Nordic countries? The partial criminalisation put in

place in Finland in 2006 has led to few convictions thus far, but that does not mean that the law has not

discouraged traffickers, which was one of the intents of the law, or influenced attitudes. Anne-Maria Marttila

reviewed the state of knowledge on prostitution in Finland in 2008, and stated at that point, that it was too

soon to conclude as to the effect of the Law. When Norway introduced its general ban on the purchase of sex in

2009, one of the aims was to reduce the scope of prostitution. A warning was given about possible negative

effects on people selling sex: As the demand for their services went down, they could be subjected to harsher

everyday lives and increased vulnerability to violence. Therefore the Law revision was to be supplemented by

increased funds allocated to social work to facilitate exit from prostitution. In the baseline study performed

prior to the introduction of the Law (Tveit and Skilbrei 2008), the variety and complexity of the needs of people

involved in prostitution were emphasised. After the introduction of the Law, Norwegian media repeatedly covered

developments in the prostitution market, both in terms of size and in terms of consequences for women who sell sex. The media have taken as their starting point observations in street prostitution and interviews with various actors, such as politicians, police, social workers, researchers and people involved in

prostitution. In addition, a couple of reports from social work agencies have attracted the attention of the

media. An early report (Gerdts 2010) from a social work agency run by the Municipality of Bergen, Utekontakten i

Bergen, concluded that they could not find evidence for prostitution in Bergen becoming more violent, but did

identify increased insecurity among women selling sex. Gerdts contends that women in prostitution had become more

mobile due to the Law revision, and that that influences the networks and security of women who sell sex. In

terms of size, the report claims that the size of both the street and indoor markets considerably decreased

straight after the Law was introduced, while it increased again shortly after.

Ambiguous Symphathies

Societies punish for several reasons; to deter others from committing the crime, to deter the individual from

doing it again, to rehabilitate the offender and to remove the offender's opportunity to commit the crime again,

e.g. because the person is imprisoned or lacks the funds (for a discussion of penal theories, see e.g., Hudson

2003). In the case of criminal justice policies concerning prostitution, the first two would be highly applicable

in a Nordic context, while rehabilitation through punishment is only the case in countries where offenders

against a prohibition on buying sex are subjected to 'John Schools' or to 'kerb crawler rehabilitation

programmes' (see e.g., Campbell and Storr 2001). But punishment in this area is also indirectly intended to

promote rehabilitation, as prostitution laws are meant to make clients and prospective clients problematise the

act of buying sex, and seek out counselling for it, through the various KAST schemes. The last reason to punish;

to prevent the offender from doing it again, is most applicable when he is imprisoned, but to take away money

from sex purchasers in the form of fines, also removes the resources necessary to buy sex. The main arguments for

the Sex Purchase Acts in the Nordic countries have to do with general and individual deterrence. There is also an

element of retribution; being caught buying sex is supposed to be painful and shameful. The initial level of

fines in Norway for buying sex was deemed to be too low as clients did not flinch when receiving the fine, and

today, clients are fined up to €3,400.

Criminal justice policies do not only have possible direct effects like these. An important question is the way

that legal revision impacts on how social welfare policies are formed, implemented and received. Several have

questioned whether increased use of criminal justice policies in managing the relations within prostitution

hampers social agendas. Scoular and O'Neill (2008) warn against making assistance and

support dependent on cooperation and willingness to exit, both in how it may harm individuals who cannot get the

help they need because of such absolute demands, but also in how it strengthens an individualist agenda (see

Chapter 5). Through a broad range of techniques individuals are made

responsible for their own situations in a neo-liberal logic, and structural reasons conditioning people's lives

are being disguised. This is especially the case for foreign women with uncertain migration status. A system

based on an exit approach offers services that are organised in a specific way, mainly focusing on counselling

and therapy. This implies lasting contacts with social workers, over long periods of time. In an ongoing study in

Sweden, social workers express difficulties in their contacts with women of foreign origin.[32] If there is not enough material for the police to start a legal process (prosecuting for procuring or trafficking), these women

do not have any rights to receive long-term support from the social services. This means that if they are not

classified as victims of trafficking, involved in a trafficking case, the social workers have limited resources

to work with this group. These women are not entitled to more than minimal support (such as basic health care),

which may lead to the social workers hesitating to initiate more than superficial contact with them. Due to close

connections between the legal system and the social service system, women of foreign origin are thus treated

differently than Swedish women by the social services. What was argued for as feminist and humanitarian, ended up

being a convenient diversion from our collective responsibility towards poverty and discrimination (see also

Bjønness 2012).

Not raising obstacles against sex-sellers approaching social and health service providers for help was given as

an important reason when Sweden and Norway chose not to criminalise the selling of sex, only the purchase.

Empirical knowledge concerning the policies in practices shows something quite different – that the current legal

focus on prostitution may restrain people from seeking and getting help from the social services. Maggie O'Neill

warns (2011: 93):

> There are clear difficulties in delivering good practice in a climate of criminalisation, zero tolerance and
>
> discourses of responsibilisation, rehabilitation and disposal, with exiting as the sole route to inclusion and
>
> citizenship. Projects may inevitably steer their work to exit in relation to funding streams and targets and a
>
> change in culture may emerge that will serve only to reinforce a discourse of disposal (for those who do not or
>
> cannot chose to exit) and put women at greater risk of violence and abuse.

O'Neill is speaking from a UK context, but these warnings also hold some relevance in a

Nordic setting, as we described in Chapter 5. Unpredictability and

dependence on project funding does indeed render social and health services vulnerable to political whims and

trends (Mak 2004). Policing in relation to prostitution also implies a strong focus on combating crime and the

question is whether the social work approach can measure up and go beyond that focus, in terms of organisational

resources and measures. Even though the efforts to make women exit prostitution may be based on ideological

concerns about vulnerable women's living situations, it seems like these efforts tend to correspond well with the

overall legal response to the situation of today. Policies manifest ambivalent understandings of the phenomenon;

work, crime or exploitation. This also takes place elsewhere: prostitution policies are often concerned with

doing away with the forms of prostitution considered most problematic, no matter what the Law states, and in this

way, the not-targeted forms of prostitution are not only not problematised, but also implicitly sanctioned

(Bernstein 2007: 140).

Spanger (2011) has found that prostitution in Denmark only came to be formulated as violence in itself with the

influx of foreign women in prostitution in the late 1990s, thus bringing Denmark in line with the feminist

discourse on prostitution in the rest of the region. In Finland, prostitution has been less visible and the

market has perhaps also been smaller than in neighbouring countries, at least until the 1990s (Marttila 2008a).

The proximity to post-Soviet Russia and Estonia is central to how prostitution became increasingly visible in

both the streets and in public debates in the 1990s, while it may also be due to cultural changes in Finnish

society (Marttila 2008a).

In light of how debates in several other countries deal with whether or not prostitution should be considered

work (Dodillet 2009) and how the European sex workers' rights organisations argue for such a definition, the

question of how the Nordic countries relate to this is relevant. The Nordic equivalents of the term "sex worker"

are not well integrated in language or debates even though the various sex workers' rights organisations promote

it. These organisations and the definition of prostitution as "sex work" have been seen as a threat to both the

possibilities to regulate prostitution through criminal justice and social work in the Nordic

countries.[33] Cecilie Høigård (1991) has warned against "the confusion" the Norwegian organisation PION causes as it speaks against the belief that prostitution is violence. Sven-Axel Månsson (1991)

fears that the definition of prostitution as work in several European countries can make it difficult to uphold

the level of social assistance established in Sweden. Whether or not prostitution on paper

and in reality is treated as work differs, not only between the countries, but also within. The Swedish approach

is most ambiguous, as prostitution on the one hand was indirectly defined as violence before the introduction of

the Sex Purchase Act and directly so after, while at the same time the Alien Act defines prostitution as work.

When the sale of sex was decriminalised in Denmark in 1999, it was at the same time emphasised that this did not

mean that prostitution was to be considered work (Greve 2005), and the same year a Supreme Court ruling in Norway

concluded that prostitution is not work in the Alien Act's sense of the term. Until that point, local authorities

had deported Russian women suspected of selling sex from Northern Norway with the argument that they lacked a

work permit. When Finland decriminalised the sale of sex in 1986, it was at the same time stated that did not

mean that prostitution was to be considered an acceptable act (Kimpimäki 1999: 25).

Income from prostitution is also susceptible to tax in Denmark, Norway and Sweden,[34] even though this is not necessarily implemented, which of course conflicts with other definitions and forms of regulating

prostitution. The question is also whether or not loss of income from prostitution after having been subjected to

violence is to be compensated, like the loss of income from other income-generating activities. In a case in

Norway from 2012, the Court of Appeal concluded that loss of money earned through prostitution cannot be

compensated now that purchase of sex is illegal, as it would be inconsistent to treat that income as legitimate

(Schultze 2012: 19). Sunniva Schultze (2012) concludes that this is in breach of case law in the years leading up

to the criminalisation, where women in prostitution in several instances were granted compensation after being

subjected to a violent crime.

Ambiguities in how prostitution is approached also manifests itself in how the question of legal revisions are

postponed and delayed for long periods of time. The question of whether or not to criminalise the purchase of sex

was debated in Norway for almost 30 years before it became a reality, and in Sweden the question of

criminalisation was discussed and the subject of several White Papers for about 20 years. Icelandic politicians

were hesitant to remove the criminalisation of the sale of sex before they had an alternative in place, because

they did not want to signal that prostitution should be considered a legitimate act, and

prostitution policies have been debated on and off since 1992 (Bragadóttir 2005). As politicians were unable to

agree on what that alternative should be, the sale of sex continued to be illegal. After Finland decriminalised

the sale of sex in 1986 the question of how to regulate prostitution continued to be discussed as it continued to

be regarded as unacceptable, even though it was legal (Kimpimäki 1999: 25). A long delay in legal revisions is

also part of the recent Danish history of prostitution policies. Even though it was clear at the beginning of the

1970s that a majority in Parliament meant that the sale of sex would be decriminalised, this was only done in

1999 (Greve 2005: 12).

There has been a lot of activity on the question of prostitution in the Nordic countries. In Sweden, eight White

Papers have solely or partly dealt with the topic of prostitution and what policies to apply and there have been

five working groups or committees working on the topic in Finland (Jyrkinen 2005: 148).[35]

Interestingly enough, debates on prostitution policies deal very little with the issue of sexuality directly

(Outshoorn, Kulawik, Dudová and Prata 2012). In the Nordic countries, prostitution is presented as detrimental to

women's right to their own sexuality. Prostitution is sometime presented as something to do with men's sexuality,

but equally often as detrimental also to men's right to a good sexuality. An exception from this perspective can,

however, be found in Petra Östergren's book (2006), in which she states that experiences of selling sex may as

well be understood as experiences of one sexual practice among others. Östergren refers to Gayle Rubin (1986),

and says that it is our normative understanding of sexual activities that include transactions as bad that is the

problem, not the actual activities (Östergren 2006). While constructionist and queer perspectives are widespread

within Nordic social science generally, and in Nordic gender studies particularly, constructivist or queer

contributions on prostitution are few and far between. This could be due to what research and policy communities

are most interested in the topic. As described in Chapter 4,

knowledge production on prostitution is strongly tied to social work agendas, and much is also performed by

social workers.

1 In some laws and in some periods, pimping and procuring are included in the same acts or taken to mean the same, in separate acts in other countries' laws and periods. Pimping is the term for acting as a middleman in prostitution, while procuring is the act of supplying someone with prostitution or contacts, or keeping a brothel.

2 The Penal Code of Sweden, Chapter 6, Section 11: "A person who, otherwise than as previously provided in this Chapter, obtains a casual sexual relation in return for payment, shall be sentenced for purchase of sexual service to a fine or imprisonment for at most one year. The provision of the first paragraph also applies if the payment was promised or given by another person". The Act on prohibiting the purchase of sexual services (SFS 1998:408) entered into force on 1 January 1999. In connection with the sexual crimes reform of 2005, the Act was replaced by new legislation on the purchase of sexual services. The maximum penalty for purchasing sexual services was raised from imprisonment for six months to imprisonment for one year in July 2011.

3 The General Civil Penal Code of Norway, Section 202a: 'Any person who (a) engages in or aids and abets another person to engage in sexual activity or commit a sexual act on making or agreeing payment, (b) engages in sexual activity or a sexual act on such payment being agreed or made by another person, or (c) in the manner described in (a) or (b) causes someone to carry out with herself or himself acts corresponding to sexual activity, shall be liable to fines or to imprisonment for a term not exceeding six months or to both. If the sexual activity or sexual act is carried out in a particularly offensive manner and no penalty may be imposed pursuant to other provisions, the penalty shall be imprisonment for a term not exceeding one year≫. Ministry of Justice and Public Security', The Government of Norway, December 2008.

4 The Penal Code of Finland, Chapter 20, Section 8: 'Abuse of a victim of prostitution (743/2006) (1) A person who, by promising or giving remuneration involving direct economic benefit induces a person referred to as victim in section 9 or 9a or in chapter 25 (concerning trafficking in human beings, authors' comment), section 3 or 3a to engage in sexual intercourse or in a comparable sexual act shall be sentenced, unless the act is punishable pursuant to section 8a, for abuse of a victim of prostitution to a fine or imprisonment for at most six months. (2) Also a person who takes advantage of the remuneration referred to in subsection 1 promised or given by a third person, by engaging in sexual intercourse or a comparable sexual act with the victim referred to in said subsection, shall be sentenced for abuse of a victim of prostitution. (3) An attempt is punishable.' In reality this official English translation diverts from the formal Finnish and Swedish wording of the law. A better translation of the Finnish or Swedish text would be to state that it is criminal to buy sex from someone who is the target of or is subjected to trafficking or procurement, as the Swedish term in the law is "föremål för". The Finnish term for the same is "kohde". We thank Anne-Maria Marttila for pointing this out to us.

5 General Penal Code Chapter 22 Sexual Offences Act 206: 'Any person who pays or promises payment or other compensation for prostitution shall be liable to fines or imprisonment for up to 1 year'. (unofficial translation provided by Álfheiður Ingadóttir MP for the Left Greens in the Icelandic Parliament.

6 In Sweden through the Penal Code Chapter 6, Section 9, in Norway through Section 203, in Iceland through law No 14/2002 § 202, stk. 4, in Denmark through the Penal Code chapter 24 section 223a, and in Finland through the Penal Code Chapter 6 Section 8. In Iceland through the Penal Code § 202, stk 4.

7 http://www.eduskunta.fi/faktatmp/utatmp/akxtmp/rsv_93_2006_p.shtml.

8 http://213214137012.edelkey.net/text/sv/Etusivu/Ajankohtaista/Uutiset/Uutisarkisto/Uutiset2006/1157538581548.

9 Even though the law has not been used in this way, it has been argued that the Swedish law also can be used when Swedes buy sex abroad (Ekberg 2004, SOU 2010).

10 This was Penal Code § 206, stk 1: ‘Anyone engaging in prostitution for own upkeep shall be subject to imprisonment for up to 2 years.’ As in the case of the Danish equivalent to this law, to support oneself with an income from prostitution was only prohibited if one completely or partly supported oneself in this way. If a woman or man had sex for money once in a while, this was not prohibited (Bragadóttir 2005).

11 The Swedish Penal Code: In chapter 6 Section 12: “it is prohibited to receive compensation for promoting or taking undue economic advantage of the fact that a person sells sexual services. A person who lets an apartment and becomes aware that this is being used for paid sexual services and who does not act appropriately to put an end to these activities may be considered to have promoted the activity, and is thus liable for procuring. The penalty for procuring is imprisonment for a maximum of two years. For gross procuring, the minimum penalty is two years and the maximum penalty eight years of imprisonment”. In Chapter 6, Section 15: “attempted, and preparations for gross procuring as well as attempted procuring are also criminalised”.

12 The Danish penal code § 228: (1) “Any person who 1) induces another to seek a profit by sexual immorality with others; or 2) for the purpose of gain, induces another to indulge in sexual immorality with others or prevents another who engages in sexual immorality as a profession from giving it up; or 3) keeps a brothel; -shall be guilty of procuring and liable to imprisonment for any term not exceeding four years. (2) The same penalty shall apply to any person who incites or helps a person under the age of twenty-one (21) to engage in sexual immorality as a profession, or to any person who abets some other person to leave the Kingdom in order that the latter shall engage in sexual immorality as a profession abroad or shall be used for such immorality, where that person is under the age of twenty-one (21) or is at the time ignorant of the purpose”. The Danish penal code § 229: “(1) Any person who, for the purpose of gain or in frequently repeated cases, promotes sexual immorality by acting as an intermediary, or who derives profit from the activities of any person engaging in sexual immorality as a profession, shall be liable to imprisonment for any term not exceeding three years or, in mitigating circumstances, to simple detention or a fine. (2) Any person who lets a room in a hotel or an inn for the carrying on of prostitution as a profession shall be liable to simple detention or imprisonment for any term not exceeding one year or, in mitigating circumstances, to a fine. (3) Any man who allows himself to be maintained, in whole or in part, by a woman who makes her living by prostitution shall be liable to imprisonment for any term not exceeding four years. (4) Any man who, in spite of warnings by the Police, lives with a woman who makes her living by prostitution shall be liable to imprisonment for any term not exceeding one year. A warning given by the Police shall be valid for five years. (5) The penal provisions in subsections (3) and (4) above shall not apply to male persons under the age of eighteen (18) whom the woman are under a legal obligation to support. “

13 ≪Anyone who a) promotes the engagement of other persons in prostitution, or b) lets premises on the understanding that such premises shall be used for prostitution or is grossly negligent in this respect shall be liable to fines or to imprisonment for a term not exceeding five years”.

14 The Finnish Penal Code chapter 20 section 9 – Procuring (563/1998): “ (1) A person who, in order to see financial gain to himself/herself or to another person, (1) supplies a room or other facilities where sexual intercourse or a comparable sexual act or a sexually obscene act performed by a child younger than 18 years are offered for remuneration, (2) as an established part of her/his business harbours a person engaging in such an act and thereby substantially promotes such an act, (3) provides contact information of or otherwise markets another person engaging in such an act knowing that his/her actions substantially promote the occurance of such an act, (4) otherwise takes advantage of such an act performed by another person or (5) persuades or coerces another person to perform such an act, shall be sentenced for pandering to a fine or imprisonment for a maximum of three years. (650/2004) (2) An attamept is punishable”.

15 9 a § - Aggravated pandering (650/2004) “ (1) If, in pandering, (1) considerable financial gain is pursued (2) the offence is committed in a particular methodological manner, (3) grievous bodily

harm, a serious illness or a state of mortal danger or comparable particularly grave suffering is inflicted on another person deliberately or through gross negligence, or (4) the object is a child younger than 18 years of age and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for aggravated pandering to imprisonment for a minimum of four months and a maximum of six years. (2) An attempt is punishable."

16 § 206 in the Icelandic Penal Code criminalisation pimping/procurement: "Anyone having his/her employment or upkeep from the unchasteness of others shall be subject to imprisonment for up to 4 years.' "It is subject to the same penalty to allure, encourage or assist youths under the age of 18 years to sustain themselves by means of unchasteness. It is also subject to the same penalty to support that any person move away from this Country or to it for the purpose of his/her deriving his/her upkeep from unchasteness if the party concerned is younger than 21 years or he/she is unaware of this purpose of the trip. Anyone supporting by means of alluring, encouraging or intimidation that others have carnal intercourse or other sexual intimacy against payment or making unchasteness a source of earnings, such as by the leasing of accommodation or other means, shall be subject to imprisonment for up to 4 years, but fines or [imprisonment for up to 1 year] in case of mitigating circumstances"

17 The Penal Code of Finland: Chapter 20 – Sex offences, Section 9 – *Pandering* (563/1998): "fine or imprisonment for a maximum of three years. (650/2004) An attempt shall be punished". Section 9a – *Aggravated pandering* (650/2004): "If, in pandering, considerable financial gain is pursued, the offence is committed in a particularly methodical manner, grievous bodily harm, a serious illness or a state of mortal danger or comparable particularly grave suffering is deliberately or through gross negligence inflicted on another person or the object is a child younger than 18 years of age and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for aggravated pandering to imprisonment for a minimum of four months and a maximum of six years. An attempt shall be punished."

18 The Danish Penal Code § 262 a: "A person who by an act of recruiting, transporting, transferring, housing, or subsequently receiving another person shall be guilty of trafficking in humans and shall be liable to a term of imprisonment of no more than eight years."

19 The Penal Code of Finland: Chapter 25 – Offences against personal liberty (578/1995).

Section 3 – Trafficking in human beings (650/2004) Section 3a – Aggravated trafficking in human beings (650/2004). Law relating to trafficking in human beings entered into force on 1 August 2004. Before this similar criminal acts were punished under different sections of the Penal Code, e.g., pandering. Sections 3 and 3a of the chapter 25 of the Penal Code state that: "person(s) who are found guilty of trafficking in human beings or of aggravated trafficking in human beings are sentenced for trafficking in human beings to imprisonment for a minimum of four months and a maximum of six years. An attempt shall be punished."

20 "Anyone who becomes guilty of any of the following acts in the purpose of exploiting a person sexually, for compulsory labor or for removal of organs, shall be punished for trafficking in persons by imprisonment for up to 8 years" (Hauksdóttir 2010).

21 Chapter 4 On Offences against Liberty and Peace Section 1a: "A person who, in a case other than those referred to in Section 1, through unlawful coercion or deception, exploiting someone's vulnerable situation or by some other such improper means recruits, transports, transfer, accommodates, receives or implements a person, with the intention of exploitation for sexual purposes, for the removal of organs, in war service or compulsory work or other such compulsory condition or in another way in a situation that involves a distressful situation for the vulnerable person shall be sentenced for trafficking in humans to imprisonment for at least two and at most ten years" (authors' translation Regeringens proposition. 2009/10:152:13:6)

22 Section 224: "Any person who by force, threats, misuse of another person's vulnerability, or otherwise improperly conducts exploits another person for the purpose of a. prostitution or other sexual purposes, b. forced labor, c. war service in a foreign country, or d. removal of any of the said

persons' organs, who induces another person to allow himself or herself to be used for such purposes, shall be guilty of human trafficking and shall be liable to imprisonment for a term not exceeding five years. Any person who makes arrangements for such exploitation or inducement as is mentioned in the first paragraph by procuring, transporting or receiving the person concerned, in any other way aids and abets such exploitation or inducement, or provides payment or any other advantage in order to obtain consent to such exploitation from any person who has authority over aggrieved person, or who receives such payment or other advantage shall be liable to the same penalty. Any person who commits an act referred to in the first or second paragraph against a person who is under 18 years of age shall be liable to a penalty independent of any use of force or threats, misuse of a person's vulnerability, or other improper conduct. Gross human trafficking is punishable by imprisonment for a term not exceeding ten years. In deciding whether the offence is gross, particular importance shall be attached to whether the person exposed to the act was under 18 years of age, whether gross violence or coercion was used or whether the act led to considerable gain". This is an official translation from 2005. Since then, § 224 has been amended to include begging as one of the purposes of trafficking.

23 Aliens Act of Sweden (2005/716) Chapter 8 Section 2:2: "An alien may be refused entry if it can be assumed that during the stay in Sweden or in some other Nordic country he or she will not support himself or herself by honest means or will engage in activities that require a work permit, without having such a permit".

24 Viuhko and Jokinen 2009. A decision was made in the EU Court in 1999 stating that the mobility and right to establishment of EU Citizens cannot be restricted by such provisions in Aliens Acts (Niemi-Kiesläinen 2005, http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:61999CJ0268:EN:PDF).

25 In 2003, the buying and selling of sexual services in public places was made punishable in the Public Order Act (612/2003: 2-7).

26 In Danish: ≪Hvor Norden igennem en årrække havde en nogenlunde ens forståelse af prostitution som både et socialt og kønspolitisk problem, der skulle begrænses gennem aktive sociale og kønspolitiske tiltag, rejser svenske politikere og embedsfolk nu rundt i Norden og de baltiske landen og advokerer for ≪den svenske model≫ ved møder for lokale politikere og fagfolk – med en retorik, som slet ikke indeholder overvejelser og krav om en aktiv social indsats for prostituerede kvinder og mænd, og som kønspolitisk kun handler om en indsats for at få straffet prostitutionskunder≫.

27 See also Asp and Ulväng 2007.

28 The title in Danish is "Et andet liv. Regeringens forslag til en helhedsorienteret indsats på prostitutionsområdet", which translates to Another life. The Government's proposal for a holistic effort in the field of prostitution.

29 In Danish: "Den udenlandske diskussion og forskning om prostitution har vakt mistænksomhed i

Danmark. "De forsøger nok at smugle svensk-norsk nymoralisme ind her i landet – det vil vi ikke have i

Danmark"".

30 In Danish: "Langt de fleste tilløb til en god debat om ligestilling bliver faktisk ødelagt af, at

ligestillingskliken hændervridende forklarer, at Danmark ligestillingsmæssigt er et uland og f. eks. ligger lysår bag drømmesamfundet Sverige".

31 An illustrative example of "vested interests" can be found in the Swedish action plan in which the Swedish Institute received close to 15 million SEK from the Swedish Government to develop a program for foreign visitors ("key persons") who wish to study the preventive and combating work against prostitution and human trafficking for sexual purposes in Sweden. The Swedish Institute was also commissioned to arrange information activities and presentations abroad. The evaluation

concludes that the Swedish institute succeeded in its commission; The SI had visits from 40 different countries, in total by 200 persons. In addition the SI arranged twelve conferences in different countries, having participants from 70 countries. ‘The participants were given the possibility to learn about the Swedish perspective and discuss their own perceptions and understandings.’ The visiting programs and the conferences resulted in 99 news articles, around the world (Brottsförebyggande rådet 2011: 15).

32 The study focuses on experiences of prostitution and professional practices concerning this type of experience and is funded by the Swedish Crime Victim Compensation and Support Authority (Holmström, Månsson and Skilbrei forthcoming).

33 It also cannot be taken for granted that people who are involved in prostitution themselves regards prostitution as work, and find the term appropriate (Östergren 2006). For more on the term “sex work”, see Jyrkinen 2005.

34 Being made to pay taxes does not at the same time give rights to social insurance and to claim deductions (for details in the case of Sweden, see Dodillet and Östergren 2011). In Norway, money earned in prostitution is taxable alongside other accumulated money that is not income (Schultze 2012), and as with Sweden, such tax is not at the same time linked to rights and deduction as ordinary income tax. For details on the situation pertaining to the taxation of income from prostitution in Denmark, see Danish Sex Worker Organization and the Street Lawyers (2012).

35 On more details on the process leading up to the current legalisation in Finland, see Jyrkinen 2005.

Chapter 7

Nordic Prostitution Policies in Context

In this chapter we bring together the analysis of social welfare policies and criminal justice policies as

interacting strands of prostitution policy in the Nordic countries and return to the discussion of what terms and

classifications to apply from Chapter 2. We will outline some

overarching patterns over time and across national contexts in what policies have seemed appropriate and why. It

is in no way a full analysis of the Nordic prostitution policy landscape, but rather an attempt to frame the

previous descriptions of developments in the legal approach and to link it to social work and to the intellectual

history of the subject in the Nordic countries. We also point to disparities in the debates and policies between

and within the countries.

Looking at developments over time, it becomes evident that no country approaches its prostitution in a vacuum.

The problems the policies set out to deal with might seem national and specific at the time, but at different

times throughout history, different means of control and assistance seem relevant and appropriate. When European

countries came to see prostitution as a risk factor in the spread of STIs in the nineteenth century and chose to

handle it by replacing prohibitionist policies with regulationism, thus condoning certain forms of prostitution

in order to prevent the further deterioration of public health, this has to be understood in light of available

discourses on sexuality, gender, health and control. It also has to be understood as an achievement of the power

of the medical discourse in the social engineering of nineteenth century Europe, making it possible to

temporarily set aside moral sensitivities and replacing them with pragmatic harm-reduction (Greve 2005). One

century later we can analyse how this framework ‘spread’ from country to country, and how it was based on

acceptance of inequalities of gender and class, even though they seemed progressive at the time. We can also see

the injustice being done to the women subjected to a strict control regime for the benefit of the greater good.

The challenge is to look at the current prostitution regimes in the same contextualised way, freed as much as

possible from the contemporary taken-for-grantedness and political controversies. To build towards that goal, we

have detailed the developments in the prostitution markets, debates and policies in recent decades, as well as

perspectives and knowledge-production in order to explore how what politicians and others

know and think about prostitution influences policy development. We have paid special attention to how knowledge

production and policy debate constitute each other in the Nordic countries and within the region, to be able to

identify blind-spots in current prostitution regulation.

Prostitution has been regulated in a variety of ways in the Nordic countries, from the period described above, to

criminalising the selling of sex and to the regulation of immoral behavior in public space. We trace the event of

the contemporary policy regime to the late 1970s where general societal changes in gender norms and sexual mores

resulted in people beginning to question the often functionalist approach to prostitution and the sexual

double-standard that guided it (see e.g., Prieur 1985).[1] Women's liberation movements put issues of gender inequalities on the agenda, and the increased value given to expressive sexuality did not seem to fit well with the phenomenon

of instrumental sex for money in prostitution. This civil society development coincides with the growth of the

public sector and the adjacent change in the conceptualisation of the relationship between the State and its

citizens. Women were increasingly seeking paid employment, and tasks that had been performed in the private

sphere by family members, such as childcare and care for the elderly, were more and more often transferred to the

public sphere and constructed as a public responsibility. The norms and terms of society were being renegotiated,

and that changed how many areas of society were understood and governed through criminal justice and social work.

It was in this normative climate that feminists began to question men's right to women's sexuality and the middle

class right to the working-class body. In this period of time, the question of how to regulate prostitution

started to be debated.

This description is more valid of the Norwegian and Swedish case than the other Nordic countries. While the same

developments marked Danish society in the late 1970s, the emphasis on expressive sexuality did not lead to

demands to see prostitution as a public responsibility in the same way (Prieur 1985). Instead the development

reinforced the view that sexuality, including the paid variety, was a private matter (Lautrup 2002, Balkmar et

al. 2009). Finnish developments also seem to have taken place in a somewhat different manner. The Finnish

sociologist Margaretha Järvinen (1990) has studied government control of women involved in prostitution in the

years 1945–1986. She describes how prostitution was a more invisible phenomenon in Helsinki than in the other

Nordic capitals, and as late as 1984 a White Paper concluded that prostitution was not a social problem to any

large extent (Järvinen 1990). Lack of visible prostitution may have made it a less likely

issue for feminist activism, but it could have been the opposite: that the lack of interest in prostitution by

feminist activists and others, rendered prostitution invisible.

Prostitution came increasingly to be treated as a social problem the State needed to relate to in the Nordic

countries, particularly Norway and Sweden. This means that to reduce the scope of prostitution became an explicit

goal, and a premise for the discussions on which policies to apply. It varies over time and between countries,

whether one emphasises individual-based or structural explanations for prostitution. In Norway and Sweden we see

a shift in how prostitution is explained in the 1970s and 1980s, from a focus on individual problems and poverty,

to a focus on class and gender-based inequalities as the main causes of individual problems and poverty, and

therefore also of prostitution. In Sweden, gender has been given greater significance than in Norway, where the

class perspective has been stronger. The seller is, on a general level, perceived as the one in prostitution with

the least resources and with limited opportunities to choose another life (in e.g., Larsson and Månsson 1979,

Høigård and Finstad 1986).[2]

In Denmark, individual-based explanations for prostitution are still commonplace (Bjønness 2008), which may be

due to the fact that psychology has played an important role in the development of knowledge about prostitution

there, while disciplines such as sociology and criminology have been more important in Sweden and Norway (Balkmar

et al. 2009). Annick Prieur (1985) describes how, in the period of great changes in how Norwegian and Swedish

societies approached prostitution, Danish debates on the same did not follow. Even though Denmark shared similar

traits in how prostitution had been approached, following the same tracks as Norway and Sweden so to speak.

Danish society did not make the final push in the 1980s towards defining prostitution as a problem that needed to

be solved. Prieur asks whether the fact that prostitution in Denmark was out of sight to such a high degree and

taking place indoors at the time, meant that there was a lack of understanding of both reasons and consequences.

Selling sex is in itself now a legal act in all the Nordic countries, but that does not make it a legitimate or

regularised act. Women and men in prostitution do not have such civil rights as pension insurance, sickness

allowance or parental insurance, even though women and men in prostitution are supposed to pay tax. Several

European countries have introduced regularisation of prostitution in the last decade so as, among other things,

to ensure the rights of women and men in prostitution as workers. This can be seen as a

pragmatic approach and as a way to implement harm-reduction, but it is also necessary to view this in light of an

explicit ideological stance, where the transaction in prostitution is framed as work. That is a less legitimate

formulation in the Nordic countries, where prostitution is interpreted and understood as an expression of gender

and/or socioeconomic inequality, and often likened to violence and as comparable to rape, domestic violence and

incest (Skilbrei 2001, Ekberg 2004). Prostitution is, in this context, not only a danger to the women involved in

it, but also to gender relations in society at large and women outside of prostitution (e.g., Ekberg 2004). In

the last ten years the role of global inequalities have become an intrinsic part of the picture and the idea of

rich white men buying sex from poor black women does not sit well in the equality-minded Nordic countries, which

reinforce ideas of prostitution as a problem.

In Sweden the issue of prostitution has been part of an understanding of lack of gender equality in society, and

prostitution has been seen as something not voluntarily chosen, but directly caused by structural, cultural and

personal inequality and abuse (Regeringskansliet 2002). Although prostitution was not explicitly referred to as

violence in the introduction of the Sex Purchase Act, it is clear that the government viewed prostitution '… as

closely related to violence against women. (Dodillet 2009, SOU 2010). Later, the Swedish Government explicitly

defined prostitution as men's violence against women (Regeringskansliet 2002). Gender was made to be the main

reason for prostitution, and this has meant that differences between individuals and groups in conditions in

prostitution appear less important: it is women who are perceived as victims of prostitution. This perspective

has been portrayed as the only correct position to take for feminists. One of Sweden's most influential

politicians, the then minister for equality Mona Sahlin, explained to a journalist: 'If you are a feminist, you

cannot relate to prostitution in any other way than to see it as male domination' (Huldén 2003).

Many different scholars have analysed why Sweden criminalised the purchase of sex in 1999. Several point to how

it was established as a central "woman's issue" which female politicians from a broad political spectrum agreed

upon (Svanström 2004a, Eduards 2007). Still, when looking at how the sex purchase act is implemented, how other

laws are applied and the priorities in social work, "the Swedish model" disintegrates. What is left are visible

ambivalences, lack of appropriate service provision and lack of information on what actually goes on in the

prostitution market. This is true also of the other Nordic countries: prostitution is approached in a multitude

of ways that in no way send a clear signal.

Grass-root movements are described as central to the many revisions made in the criminal regulation of sexual

activities after 1945 (Frank, Camp and Boutcher 2010), and a trait of the Nordic countries is the strength of

civil society. In Norway, coalitions between individuals, politicians and organisations

working from a feminist agenda have been given credit for the ban on the purchase of sex, and Agnete Strøm

describes how the Women's Front of Norway invited international activists to Norway to influence the opinions of

politicians and representatives from the trade unions (Strøm 2009). And also in Iceland, the current policy needs

to be seen in light of the political and civic engagement with the topic over time. Bjønness (2012) describes how

various organisations are currently working towards legal reform in Denmark: Whether they will be as successful

as the reformers in the neighbouring countries, remain to be seen. At the moment, the Danish Government has

decided not to push the issue.

Over the last decade, Sweden's attempt to do away with the "world's oldest profession" through criminalising the

buying of sexual services has been met by quite a bit of criticism. This has especially been expressed by those

who view commercial sex as a legitimate industrial sector of society and who argue for the acceptance of

prostitution as work. Others have focused more on the possible negative consequences of such a law for people

selling sex and have criticised the Sex Purchase Act for being based on wrong assumptions about prostitution and

the power relations within it. To those, however, who view prostitution as an expression of men's sexual

exploitation and violence against women, the Law has been considered a major breakthrough and an important step

towards a more gender-equal society.

There has also been criticism of the normative basis of the Law. Don Kulick (2003) argues that the use of

normative law is especially important in Sweden, and that this conflicts with how the purpose of the law is

argued for in many other countries (see also Kelly, Coy and Davenport 2009). The fact that the normative function

of the law was so important in the introduction of the Law in Sweden was criticised by a Norwegian Governmental

Working Group on the legal regulation of the purchase of sexual services, arguing that whether or not the Law is

applicable should be more important than the need for ‘sending a signal’ through the Penal Code (The Ministry of

Justice and the Police 2004).

The Sex Purchase Act has also been criticised for not only being a result of concerns over gender and power, but

rather about other less noble causes. Researchers have pointed to alternative motivations for introducing the Law

that worked together with the gender argument, such as fears of certain forms of migration and of moral decay and

of a wish to sanitise public space (Gould 2001, Kulick 2003, Träskman 2005).

In the discussions on legal reform in Finland and Norway the debates were more focused on the law as something

which would have a practical function, and less emphasis was laid on its normative function than in the Swedish

case. In Finland politicians had a perceived need to find a solution to the increase in prostitution involving

foreign women and a fear of organised crime involving trafficking (Marttila 2008a). This made the development of

the Finnish debate and practice closely linked to issues of ethnicity and nationality. The

Finnish prostitution market has been remarkably international since the early 1990s. Given that the prostitution

of Finnish women and men was not described as a problem to the same degree as forms of prostitution involving

foreign sellers, to only criminalise some forms of prostitution seemed most appropriate from a Finnish

perspective. This does not mean that prostitution generally has not been problematised or that gender was not an

important point of reference. Holli (2004) describes how prostitution in the 1990s was debated as something being

influenced by and influencing unequal gender relations. But arguments about gender seem to have been less

important in Finnish debates.

Also in Norway, increasing internationalisation of prostitution markets and fears over trafficking were in focus

in the debates of the late 2000s (Jahnsen 2008a). Assertions about the effects of the Swedish Sex Purchase Act

were important in the Norwegian debate, and there was also a perceived problem of finding good ways to combat

trafficking (ibid.). The starting point of the policy discussions in Norway has, for a long time, been that

people selling sex are vulnerable and have few opportunities to choose something other than

prostitution.[3] What has been described as the root of this vulnerability has varied throughout the last 40 years: Gender inequality and gender norms have been important explanations, but never the only ones.

In the early policy discussions there was a strong focus on class inequalities. Later, more emphasis was laid on

global inequality as a cause of prostitution and on crime, such as trafficking (Jahnsen 2008a). The increase in

foreign women in prostitution in Norway created a lot of debate and pressure to find new solutions (Stenvoll

2002, Skilbrei 2009). The final debates, which led to the political vote in favor of the criminalisation of the

purchase of sex, had a strong pragmatic note, and were different from the Swedish debate on criminalising clients

in the late 1990s, which was mainly based on matters of principles. Debates also seem to have been more heated

leading up to the Law in Norway than in Sweden, while the debates following the introduction of the Sex Purchase

Act in Sweden have been fierce (for a description of these, see Dodillet 2009).

Yvonne Svanström (2006b) analyses the process towards today's approach to prostitution in Sweden: She describes a

consensus in perspectives towards prostitution within research and feminist organisations. Svanström (ibid)

states that the 1990s were characterised by debates on the nature of prostitution, and the consensus she

describes within research and feminist organisations in the same period seems to have influenced the approach to

prostitution in the general public. This is not the case in the Norwegian debate on criminalisation. Proponents of criminalisation describe being criticised by social workers, feminist organisation and researchers (Håland and Stø 2009). In Norway, the debate was fierce and polarised, with both sides arguing

that they knew best what would produce less harm for people selling sex (Jahnsen 2008a). The debate also went on

for longer in Norway than in Sweden: To criminalise only the purchase of sex came up as an alternative in Sweden

in 1992 (Kulick 2003), while this was debated from the early 1980s on in Norway (Skilbrei 2012b), and

prostitution was already referred to as a form of gendered violence in Iceland in 1981 (Atlason and

Gudmundsdóttir 2008). In Iceland, criminalisation seems to have been strongly linked to feminist perspectives,

with a prominent role in the debate given to the radical feminist organisation Stigamót (Halldórsdóttir 2009),

but Hauksdóttir (2010: 86) argue that the focus on trafficking was what shifted the debate. Also in Iceland the

Swedish example has been central to the debate on which policy to apply. Swedish debaters have visited the

country on several occasions, and the feminists and female Members of Parliament were particularly active in the

debate (Atlason and Gudmundsdottir 2008, Halldórsdóttir 2009).

A possible ban on the purchase of sexual services is discussed in Denmark as well, and how great the support for

such a law might be is an open question, as Danish society seems to be ambivalent towards prostitution. In public

debate, one can both hear the ‘liberal’ argument that prostitution belongs to the private sphere and the ‘radical

feminist’ argument that prostitution as such is exploitative and that any purchase of sex should be punishable

(Lautrup 2002, Bjønness 2008). Support for criminalising the purchase of sexual services grew in Denmark in the

beginning of the 2000s, a development Marlene Spanger (2008) sees in relation to the increased number of foreign

women in prostitution in Denmark.

Even though prostitution is defined as an act sellers are harmed by in Norway and Sweden, the seller is not

defined as a victim in a legal sense and does not have rights to compensation from the purchaser of sex. Claes

Lernestedt (2010) finds it problematic that the Swedish Sex Purchase Act is argued for on the grounds that it is

a result of structural inequality and that clients harm people that sell sex, at the same time that individual

harm is not made relevant.

In summing up how prostitution and the parties involved are governed in the Nordic countries, we propose that the

countries' different approaches, and differences within each country, need to be seen as placed along a continuum

ranging from a focus on the individual to a focus on structure, as criminal justice policy, social welfare policy

and knowledge production all negotiate the relationship between these. Criminal justice policy can be put in

place both to change individual action, the cultural meaning of prostitution and the structure of the

prostitution market, and all these rationales have been made relevant in Nordic policy debates. Social welfare

policy can aim at changing individuals, the culture they embody and the structure that forms

their choices and life chances. Knowledge production can have as its object knowledge of the individuals'

trajectories and experiences, various cultural aspects which create the perceived need for prostitution and which

produce what is often termed 'the prostitution stigma', as well as the societal structures for example in terms

of gender, class, ethnicity and sexuality that create inequalities and thus limit the options men and women have

to choose from.

We argue that the great differences and ambivalences found between and within the Nordic countries make

understanding them as representatives of a single Nordic model of prostitution policies or a Nordic prostitution

policy regime of little value. What may seem like large similarities and shared norms on issues of gender and

sexuality evaporates with closer scrutiny. This does not mean that we are in favour of abolishing all attempts to

make distinctions; characterisations serve an important function in policy analysis. Still, we want to warn

against the conflation of what seems like almost the same approach in the case of the Nordic countries and the

complex relationships that we claim constitute a country's approach to prostitution.

This means that even though the prostitution policies in the Nordic countries look very similar to the outside

world, they differ in substantial ways in how they were argued for and how they function. At the core of these

differences are diverging explanations for and understandings of prostitution, as well as differences in what the

laws are introduced to achieve. While the criminalisation of clients in Sweden was introduced in a society which

already had a small prostitution market in order to change attitudes towards gender, sexuality and prostitution,

building on a feminist analysis, the debates in the other Nordic countries have, to a higher degree, been related

more directly to current developments in the prostitution market and to class inequalities and globalisation.

Globalisation and the emergence of new markets are challenging our perspectives on and approaches to

prostitution. Increasing diversification may in itself create uneasiness, which in turn creates a want for the

reestablishment of the status quo and predictability (Koch, McMillan and Peper 2011). The Nordic prostitution

markets were, while they first and foremost contained Nordic women, met with *laissez faire* attitudes for

several decades, while the event of foreign women's prostitution in Nordic prostitution markets and changes in

how and where prostitution took place was followed by an escalated policy development process.

But we also argue that the Swedish case is not 'the Swedish model' it is set out to be by many. Even though the

Swedish approach to prostitution stands out as the most clear example of an abolitionist approach to prostitution

with its Sex Purchase Act (e.g., Kelly, Coy and Davenport 2009), we argue that the way the Law is applied and the

fact that prostitution is also managed through immigration control, means that the Swedish approach is

contradictory; some forms of prostitution are treated as more problematic than others, and

not all persons involved in prostitution are treated as being in need of or worthy of assistance. Here we are in

line with conclusions from Susanne Dodillet and Petra Östergren (2011) and Joyce Outshoorn et al (2012).

Few, if any, changes in legislation on prostitution have attracted so much attention and caused so much debate,

both within and outside the Nordic countries, as the unilateral criminalisation of the purchase of sex in the

Nordic countries. There are many reasons for this, one of them being that this Law cut right into some of the

most burning issues of the ongoing international debate on prostitution, more specifically the issues of control

and regulation of prostitution (Månsson 2001). As detailed in Chapter

6, many scholars are quite sure that the criminalisation of the purchase of sex in Sweden has had very

visible negative or positive effects. The conclusions on what has happened in Sweden diverge so greatly and

attract so much attention that it is tempting to conclude that much seems to be at stake in the evaluation of

'the Swedish Model'. For some it stands for the worst possible solution, while the best for others, and we cannot

imagine a case that in a similar way attracts scholarship, attention and reactions. Academic publications on

Sweden are well-cited, and conclusions and implications from the case, reach wide in academia, public debate and

politics.

Even though the introduction of the ban can be understood within the frame of social policy and the politics of

gender (forming a common regime), legal reforms during this period can also be understood as pragmatic solutions

to the diverse development of the prostitution markets in the different Nordic countries. The growing interest in

legal policy in relation to prostitution in the Nordic countries is thus interpreted as both ideologically- and

pragmaticallybased. The ways in which prostitution is being addressed in the Nordic countries today are, as

discussed earlier, based on knowledge produced through social scientific research and social work. In the late

1970s a critical social scientific research perspective emerged in the Nordic countries, formulating the question

of prostitution in terms of social problems and social policy. This welfareoriented approach to prostitution has

developed over a period of 40 years, and can be described as a specifically Nordic approach. One side of this is

the emergence of an ideological shift towards redistributing the responsibility of prostitution from sellers to

buyers of sexual services. This development is not only taking place in the Nordic countries, but takes on some

particular features there. In other contexts this shift and the adjacent combination of social welfare policies

and criminal justice policies are represented by the establishment of what is often referred to as ‘John Schools’

(see e.g., Wahab 2005 Fischer et al. 2002). At these ‘schools’ identified sex buyers, in contexts where buying

sex is illegal, are offered the choice between taking awareness courses to learn about why they should not buy

sex or to receive the assigned punishment. The Nordic countries have not chosen to link

carrot and stick together in this manner. Equally, while the UK development is moving in the direction of the

establishment of a set of highly differentiating ways of regulation the actions of people who sell sex, the

Nordic countries have removed similar options, with the decriminalisation of living off money earned through

immoral acts, soliciting and vagrancy.

Discussions on prostitution policies are made difficult in the Nordic countries by the way prostitution and

trafficking is conflated and how prostitution policies are treated as anti-trafficking polices (see e.g., Jonsson

2008). We concur with Shore and Wright's (2011) understanding of policy processes and implementation as messy and

unintended. The Nordic cases evidence how something presented as a clear-cut approach to prostitution is, in

reality, part of a web of policy strands that tug in different directions.

Discussions of models of prostitution policies need to be influenced by detailed knowledge of the national

contexts. There is a need to contextualise global discussions and phenomena and to discuss current

theoretisations and concepts with local knowledge (Connell 2007, Paasonen 2009). Models of prostitution policies

often disguise differences as those we have identified within the Nordic region. The intersection of principal

and pragmatic arguments and between different forms of inequalities should be central in the development of a

future agenda for research on prostitution. Lumping the prostitution policies in the Nordic countries together

under the heading of ‘a Nordic regime of prostitution policies’ or as neo-abolitionism hides more than it

conveys. There is a great variety of measures directed at the phenomenon of prostitution in the Nordic countries,

that even though they may seem similar looking from afar, they show great differences when studying them in

greater detail.

It is though indeed correct to contend that the approaches to prostitution in the Nordic countries in many

respects have more in common with each other than with most other countries. In identifying what is typically

Nordic about the way prostitution is dealt with in the Nordic countries, one point to note is that prostitution

policies are argued for as a means to change more than the concrete prostitution market itself. Even though this

is particularly evident in Swedish policy development, the argument that criminalising the purchase of sex will

change attitudes outside the realm of prostitution, is also made use of in the other Nordic countries.

Prostitution policies in the Nordic countries are not only implemented to change the prostitution market in the

short run, but also to change attitudes that influence gender relations *and* the prostitution market in

the long run.

The above shows how the authorities in the Nordic countries are handling the prostitution issue differently, due

to who the sellers are. There is a danger that a hierarchy will develop, for example in Sweden where a study

suggests that the police are more ready to intervene in prostitution involving foreign women, as they define such prostitution as “worse” than national prostitution (Siring 2008). In the case of Norway, most of the direct work the police in Oslo do towards prostitution has been performed by an

organised crime unit, and as they have a particular mandate to disclose trafficking, they mostly focus on

prostitution involving foreign women.

The fact that policies, even those developed towards the prostitution market as a whole, are in practice directed

more towards ‘foreign’ prostitution than ‘Nordic’, may lead to an increased stigmatisation of already vulnerable

groups in prostitution (Skilbrei 2009). In Denmark, the ban against foreigners’ prostitution is said to make life

more difficult and dangerous for Nigerian women selling sex, as they have to keep away from authorities, even

when they themselves have been subjected to crimes such as violence and rape (Holm 2007). As described by

Marttila (2008b), Finland’s various punitive policies on prostitution target foreign nationals and thus take part

in producing a twotiered market. Elina Penttinen argues that this makes foreign women selling sex in Finland more

vulnerable: ‘The new law has tightened the control of the traffickers since women, who have been expelled once,

need false papers and contacts to “secure” themselves from the Finnish police’ (2008:76).

The strength of the view that prostitution is a symptom and a cause for gender inequality is also typical for the

region. A problem with an approach that gives priority to one perspective is that it renders other sources of

inequality invisible (Scoular and O'Neill 2008). Prioritising gender, as has been done in Nordic knowledge

production and policy debate, thus means that other reasons for prostitution or other consequences than the

gendered ones are not included or made valid in the debate and in policy development and implementation. It is

not only gender that says something about the situation and vulnerabilities of people who sell sex. Changes in

the prostitution market towards increasing internationalisation have implications not only for developing

appropriate legal and social measures and developing specialised tools and services, but also for the knowledge

produced on the phenomenon. Thus, the challenge in this new situation is to take this emerging diversity of the

Nordic prostitution markets into consideration when discussing and debating prostitution. It is also necessary to

develop new analytical frameworks in order to understand the situation today. Since today´s prostitution markets

are increasingly internationalised, focusing more on migration law, labour law, border control and migration

processes would generate new, valuable knowledge on the situation of people in prostitution.

Svanström (2006b) points to an increasing diversification of perspectives on prostitution in Sweden in research

and organisations in recent years, as the voices heard are becoming more heterogeneous than during the 1990s.

This does not necessarily mean that the feminist and structuralist approach Järvinen describes is disappearing.

Järvinen describes the onset of a third kind of knowledge production related to

prostitution; the social interactionist perspective, emerging in the 1970s and 1980s. Within this the terms and

perspectives are deconstructed, and this tradition has a particular emphasis on analysing prostitution control.

An important starting point within a social interactionist stance is the realisation that prostitution exists

within a continuum of acts and that that means that prostitution can be expressed and experienced in many

different ways. One can also interpret this approach as a constructionist one, whereby the exploration of what is

included in the definition of prostitution and questions on how the parties involved in prostitution is construed

by ‘us’ is just as important as questions about how prostitution as such is experienced. An increased focus on

the workings of discourse does not exclude other perspectives, but can rather be viewed as a supplement.

It is important to note that the description here solely deals with prostitution taking place within the Nordic

countries. In addition to that, there is reason to believe that men and women from the Nordic countries buy sex

abroad. Just as globalisation has left its mark on Nordic prostitution markets, it has also laid the ground for

easier and cheaper travel from the Nordic countries to destinations around the world with thriving prostitution

markets. Little is known about Nordic citizens' involvement in prostitution abroad, so it is impossible to say

anything about the size of the phenomenon and how it plays out. In the age of globalisation, only being concerned

with the acts Nordic citizens commit at home is problematic, and a challenge to future research is developing

methods to study this.

At the moment, there are negotiations taking place in the Nordic countries as to how prostitution should be dealt

with. An important question is how to combine today's emerging legal approach with a definition of prostitution

as a social problem. This can be posed as a dilemma between harm-reduction models and a zero-tolerance approach

manifested in the Nordic bans against buying sex. We suggest exploring the relationship between legal and social

solutions to the prostitution issue as a way forward for research. This is an area where the Nordic region offers

unique material and history, and where the value of Nordic comparisons is most visible.

1 Still, this process cannot be understood as a linear historical development. Traces of the logic in the regulationist and the functionalist approaches are present in later periods in both social and legal terms.

2 This reconceptualisation also has to be seen in light of international developments. In 1979 CEDAW was launched, which explicitly talked about women's rights to not be exploited in prostitution (Article 6). And several feminists, particularly Kathleen Barry, wrote on prostitution as inherently exploitative. Stig Larsson mentions Kathleen Barry as someone who relates to prostitution in a "Scandinavian way" (1990: 4).

3 Even though Sweden criminalised clients first, debates on the issue in Norway ran parallel to the ones in Sweden, and on several occasions the Norwegian approach to prostitution was described as more radical then the Swedish.

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